

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 567

Senate State and Local Government Committee Substitute Adopted 6/21/16
Third Edition Engrossed 6/22/16

Short Title: NC Cemetery Act Chges.

(Public)

Sponsors:

Referred to:

April 6, 2015

1 **A BILL TO BE ENTITLED**

2 AN ACT TO MODIFY THE MINIMUM ACREAGE REQUIREMENTS IN CERTAIN
3 TRACTS OF LAND USED AS CEMETERIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 65-69 reads as rewritten:

6 **"§ 65-69. Minimum acreage; sale or disposition of cemetery lands.**

7 (a) Each licensee shall set aside a minimum of 30 acres of land for use by said licensee as
8 a cemetery, and shall not sell, mortgage, lease or encumber the same.

9 (b) The fee simple title, or lesser estate, in any lands owned by licensee and dedicated for
10 use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum of 30 acres
11 described in subsection (a), may be sold, conveyed, or disposed of, or any part thereof, by the
12 licensee, for use by the new owner for other purposes than as a cemetery; provided that no bodies
13 have been previously interred therein; and provided further, that any and all titles, interests, or
14 burial rights which may have been sold or contracted to be sold in such lands which are the subject
15 of such sale shall be conveyed to and revested in the licensee prior to consummation of any such
16 sale, conveyance or disposition.

17 (c) Any licensee may convey and transfer to a municipality or county its real and personal
18 property together with moneys deposited with the trustee; provided said municipality or county
19 will accept responsibility for maintenance thereof and prior written approval of the Commission is
20 first obtained.

21 (d) The provisions of subsections (a) and (b) of this section relating to ~~a~~the requirement
22 for minimum acreage shall not apply to those cemeteries licensed by the Commission on or before
23 July 1, 1967, which own or control a total of less than 30 acres of land; provided that such
24 cemeteries shall not dispose of any of such lands. A nongovernment lien or other interest in land
25 acquired in violation of this section is void.

26 (d1) Notwithstanding subsection (a) of this section, cemeteries licensed by the Commission,
27 or initially incorporated with the North Carolina Secretary of State, between July 2, 1967, and
28 September 1, 1975, may sell, mortgage, lease, or encumber the minimum acres of land required by
29 subsection (a) of this section, provided notice is given to the Commission 10 days prior to the
30 transaction, if all of the following criteria are met:

31 (1) At the time of licensure or initial incorporation, the population of the county in
32 which the cemetery is located did not exceed 45,000 people according to the
33 appropriate federal decennial census.

34 (2) Another private or public cemetery is located within a five mile radius of the
35 cemetery that is subject to the proposed transaction.



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2 (3) At least 15 acres of cemetery land remain for use by the licensee as a cemetery,
3 without mortgage, lease, or encumbrance.
4 (4) The purchaser of the land shall transfer to the perpetual care fund an amount
5 equal to ten percent (10%) of the consideration or value of the interest
6 conveyed, on up to 15 acres sold, within 60 days of the sale."
7 **SECTION 2.** This act is effective when it becomes law.