

**CHAPTER 44J
CEMETERIES**

Authority

N.J.S.A. 45:27-4.

Source and Effective Date

R.2006 d.203, effective May 2, 2006.
See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44J, Cemeteries, expires on October 29, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 44J, Cemeteries, was originally codified in Title 3 as Chapter 41, Cemeteries. Chapter 41 was adopted as R.1980 d.449, effective October 16, 1980. See: 12 N.J.R. 380(a), 12 N.J.R. 628(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, was readopted as R.1985 d.573, effective October 16, 1985. See: 17 N.J.R. 1704(a), 17 N.J.R. 2749(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, was readopted as R.1990 d.537, effective October 11, 1990. See: 22 N.J.R. 2627(a), 22 N.J.R. 3363(a).

Subchapter 11, Location of Interment Spaces, was adopted as R.1993 d.632, effective December 6, 1993. See: 25 N.J.R. 623(a), 25 N.J.R. 5462(b).

Subchapter 13, Applications, was recodified from N.J.A.C. 3:40-6 by R.1994 d.579, effective November 21, 1994. See: 26 N.J.R. 3785(a), 26 N.J.R. 4597(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, expired on October 11, 1995.

Chapter 41, Cemeteries, was adopted as new rules and recodified as N.J.A.C. 13:44J, and Subchapter 10, Interpretation and Construction, was repealed by R.1995 d.581, effective November 6, 1995. See: 27 N.J.R. 3122(a), 27 N.J.R. 4437(a).

Pursuant to Executive Order No. 66(1978), Chapter 44J, Cemeteries, was readopted as R.2000 d.487, effective November 6, 2000, and Subchapter 6, Interment Space Owner, Subchapter 7, Disinterments, Subchapter 8, Cremated Remains, and Subchapter 9, Salesmen, were recodified as Subchapter 7, Memorials, Subchapter 8, Disinterment, Subchapter 9, Cremains, and Subchapter 10, Salespeople, and Subchapter 15, Removal of Monumentation, was adopted as new rules by R.2000 d.487, effective December 4, 2000. See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Chapter 44J, Cemeteries, was readopted as R.2006 d.203, effective May 2, 2006. As a part of R.2006 d.203, Subchapter 11, Interment Spaces, was renamed Interment Spaces or Niches, effective June 5, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 44J, Cemeteries, was scheduled to expire on October 29, 2011. See: 43 N.J.R. 378(a).

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SUBCHAPTER 1. APPLICABILITY

13:44J-1.1 Non-applicability of chapter to religious corporations

Unless otherwise noted, the provisions of the chapter do not apply to religious corporations incorporated pursuant to Title 16 of the New Jersey Statutes or religious societies or to cemeteries owned by religious corporations unless said religious corporation has been issued a Certificate of Authority by the Board.

Amended by R.1995 d.581, effective November 6, 1995.

See: 27 N.J.R. 3122(a), 27 N.J.R. 4437(a).

Amended by R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Added "incorporated pursuant to Title 16 of the New Jersey Statutes or religious societies" preceding "or to cemeteries".

13:44J-1.2 Application to directors, trustees, officers and employees

Unless the context otherwise requires, the provisions of this chapter are applicable to cemetery companies.

Amended by R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Deleted ", and their directors, trustees, officers and employees" following "companies".

SUBCHAPTER 2. DEFINITIONS

13:44J-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

"Act" means the New Jersey Cemetery Act, 2003, N.J.S.A. 45:27-1 et seq.

"Adornments" means items placed on an interment space or niche on a temporary basis by the owner of the interment space or niche or by the cemetery company.

"Annual, endowed or special care" means care or maintenance of an individual interment space provided for by agreement between the cemetery and the owner of the space.

"Avenue" means a public way, street or thoroughfare.

"Board" means the New Jersey Cemetery Board.

"Bulk sales" means the sale of 17 or more interment spaces or niches, in a single transaction or series of transactions, whenever made, to any one membership or religious corporation or unincorporated association or society which provides interment spaces or niches solely for its members and their families.

"Burial" means disposition of human remains by placing them in a grave or crypt, but does not include their temporary storage.

"Burial right" means a right for the burial of human remains in a particular grave or crypt created by contract between a person and a cemetery.

"Cemetery" means any land or place used or dedicated for use for burial of human remains or disposition of cremated human remains, and also includes a crematory located on dedicated cemetery property.

"Cemetery company" means a person that owns, manages, operates or controls a cemetery or crematory, directly or indirectly, but does not include a religious organization that owns a cemetery or crematory which restricts burials or cremations to members of that religion or their families unless the organization has obtained a certificate of authority for the cemetery or crematory.

"Columbarium" means a building or structure containing niches for placement of cremated human remains.

"Cremated human remains" or "cremains" mean the recoverable bone fragments and container residue resulting from the process of cremation.

"Cremation" means the process of reducing human remains to bone fragments through flame, heat and vaporization and shall constitute the final disposition.

"Crematory" means a structure containing cremation chambers used to cremate human remains.

"Crypt" means an interment space in a mausoleum or other structure, above or below ground, which does not include a niche.