

**CHAPTER 44J
CEMETERIES**

Authority

N.J.S.A. 8A:2-2 and 8A:4 et seq.

Source and Effective Date

R.2000 d.487, effective November 6, 2000.
See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Executive Order No. 66(1978) Expiration Date

Chapter 44J, Cemeteries, expires on November 6, 2005.

Chapter Historical Note

Chapter 44J, Cemeteries, was originally codified in Title 3 as Chapter 41, Cemeteries. Chapter 41 was adopted by 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was adopted as new rules and recodified as N.J.A.C. 13:44J, and Subchapter 10, Interpretation and Construction, was repealed by R.1995 d.581, effective November 6, 1995.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: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. APPLICABILITY

13:44J-1.1 Non-applicability of chapter to religious corporations
13:44J-1.2 Application to directors, trustees, officers and employees

SUBCHAPTER 2. DEFINITIONS

13:44J-2.1 Definitions

SUBCHAPTER 3. FEE SCHEDULE

13:44J-3.1 Charges and fees

SUBCHAPTER 4. ORGANIZATIONAL STRUCTURE

13:44J-4.1 Organizational meetings
13:44J-4.2 through 13:44J-4.3 (Reserved)

SUBCHAPTER 5. CEMETERY COMPANIES

13:44J-5.1 Sale and installation of vaults
13:44J-5.2 Cemetery price list; future services; general maintenance charges
13:44J-5.3 Trust funds
13:44J-5.4 Trust fund management; recordkeeping
13:44J-5.5 Litigation involving a cemetery company
13:44J-5.6 Annual reports
13:44J-5.7 Reclamation of interment spaces
13:44J-5.8 Restrictions on closings for interments

SUBCHAPTER 6. DOCUMENTS AND GROUNDS

13:44J-6.1 Rules and regulations of a cemetery company
13:44J-6.2 Maps
13:44J-6.3 Paths
13:44J-6.4 Construction of a public mausoleum

SUBCHAPTER 7. MEMORIALS

13:44J-7.1 Memorials
13:44J-7.2 Removal of monumentation
13:44J-7.3 Burial of monumentation

SUBCHAPTER 8. DISINTERMENT

13:44J-8.1 Disinterment from a non-titled grave
13:44J-8.2 Additional interment; obtaining disinterment permit
13:44J-8.3 Recording disinterments
13:44J-8.4 Temporary storage prior to final entombment or interment within a single cemetery

SUBCHAPTER 9. CREMAINS

13:44J-9.1 Shipment

SUBCHAPTER 10. SALESPeOPLE

13:44J-10.1 Salesperson license
13:44J-10.2 Application for license as a cemetery salesperson
13:44J-10.3 Renewal of license
13:44J-10.4 Possession of license
13:44J-10.5 Multiple licenses
13:44J-10.6 Jurisdiction; local licensing and bonding

SUBCHAPTER 11. INTERMENT SPACES

13:44J-11.1 Inalienability of interment spaces
13:44J-11.2 Transferability of interment space

SUBCHAPTER 12. (RESERVED)

SUBCHAPTER 13. APPLICATIONS

13:44J-13.1 Application for certificate of authority
13:44J-13.2 Application for dissolution of a cemetery company
13:44J-13.3 Merger or consolidation of cemetery companies
13:44J-13.4 Application for sale of cemetery lands
13:44J-13.5 Application for enlargement of cemetery area by purchase
13:44J-13.6 Application to lease or license unused cemetery lands to a nonprofit, religious, educational or charitable organization
13:37-13.7 Leasing unused cemetery lands to a for-profit entity
13:44J-13.8 through 13:44J-13.10 (Reserved)

SUBCHAPTER 14. SALES OF INTERMENT SPACES

13:44J-14.1 Applications for bulk sales of interment spaces

13:44J-14.2 Sales to a membership corporation, religious corporation, society or unincorporated association or society which provides interment spaces solely for its members and their families

SUBCHAPTER 15. REMOVAL OF MONUMENTATION

13:44J-15.1 Removal of unauthorized monumentation
 13:44J-15.2 Application for removal of monumentation
 13:44J-15.3 Removal of dangerous monumentation

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, N.J.S.A. 8A:1-1 et seq.

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

"Board" means the New Jersey Cemetery Board.

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

"Cremains" means the recoverable bone fragments, container and retort residue resulting from the process of cremation.

"Cremation" means the reduction of the body of a deceased person to incinerated remains and shall constitute the final disposition.

"Entombment" means the placement of human remains in a crypt in a mausoleum.

"General maintenance charges" means the annual charge levied against each grave that was sold without any provision for maintenance and preservation on the part of the cemetery company.

"Grave" means a space of ground not exceeding 40 square feet in a cemetery used or intended to be used for interment of human remains.

"Interment" means the lawful disposition of human remains by burial, entombment or inurnment.

"Multiple depth grave" means more than one interment space in a grave.

"Non-titled space" means a grave in a plot, for which no title or deed is issued, that holds either a single interment or multiple interments of unrelated persons.

"Path" means a continuous course or way which has a minimum width of 30 inches and which primarily provides pedestrian access to interment spaces already sold. Path does not mean an avenue or other roadway or areas reserved or set apart for building purposes.

"Person" means a cemetery company, cemetery, individual, partnership, limited partnership, corporation, business association, trustee, municipality, or any officer or official board or agency of a cemetery or municipality.

"Roadway" means any open way for the passage of vehicles and persons.

"Sold" means that a contract for the sale of the interment space has been executed by the purchaser.

"Total cost of structure" as used in N.J.S.A. 8A:3-14e means any expense incurred by the cemetery company due to the construction and furnishing of a public mausoleum, such as, actual building costs, walkways, architect fees, building permit fees, landscaping, installation of utility lines and internal furnishings.