

New Jersey Register  
VOLUME 35, NUMBER 19  
**MONDAY, OCTOBER 6, 2003**  
**RULE ADOPTION**

LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
**NEW JERSEY CEMETERY BOARD**

Charges And Fees; Memorials; Multiple Licenses; Application For Certificate Of Authority; Merger Or Consolidation Of Cemetery Companies; Application For Sale Of Cemetery Lands; Application For Enlargement Of Cemetery Area By Purchase; Application To Lease Or License Unused Cemetery Lands To A Nonprofit, Religious, Educational Or Charitable Organization; Leasing Unused Cemetery Lands To A For-Profit Entity; Applications For Bulk Sales Of Interment Spaces; Sales To A Membership Corporation, Religious Corporation, Society Or Unincorporated Association Or Society Which Provides Interment Spaces Solely For Its Members And Their Families; Application For Removal Of Monumentation; Removal Of Dangerous Monumentation

Adopted Amendments: N.J.A.C. 13:44J-3.1, 10.5, 13.1, 13.3 through 13.7, 14.1, 14.2, 15.2 and 15.3

Proposed: February 3, 2003 at 35 N.J.R. 504(a)..

Adopted: May 8, 2003 by the New Jersey Cemetery Board, Frank J. DeGeeter, Jr., President.

Filed: September 15, 2003 as R.2003 d.399, without change, but with the proposed amendment to N.J.A.C. 13:44J-7.1 not adopted.

Authority: N.J.S.A. 8A:2-2 and 8A:7-13.

Effective Date: October 6, 2003.

Expiration Date: November 6, 2005.

**Summary of Change Upon Adoption:**

The Board is not adopting the amendment to N.J.A.C. 13:44J-7.1 which would have deleted subsection (g) of the rule. The Board received many comments on this proposed amendment which the Board will further analyze prior to determining whether to amend the existing regulation. The Board has referred this matter to its regulatory committee.

**Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments are dictated by State statute and are not subject to Federal requirements or standards.

Full text of the adoption follows:

<< NJ ADC 13:44J-3.1 >>

**13:44J-3.1 Charges and fees**

(a) The following fees shall be charged by the Board:

1. Cemetery company fees:

- i. Annual interment fees per interment in excess of 25 interments ..... \$4.00
- ii. Cremation fee (per cremation) ..... 1.00
- iii. Filing amendments to charters ..... 25.00
- iv. Application fees:
  - (1) Certificates of authority ..... 500.00
  - (2) Sales of land /granting of easement ..... 500.00
  - (3) (No change in text.)
  - (4) Removal of monumentation ..... 100.00
- Recodify existing (4)-(5) as (5)-(6) (No change in text.)
- (7) Lease of cemetery land ..... 100.00
- (8) (No change in text.)
- (9) Certificate(s) issued pursuant to N.J.S.A. 8A:6-3 ..... 500.00

2. Salesperson fees:

- i. Application fee ..... 35.00
- ii. Temporary license ..... 5.00
- iii. Initial license:
  - (1) If paid during the first year of a biennial renewal period ..... 75.00
  - (2) If paid during the second year of a biennial renewal period ..... 37.50
- Recodify existing iii.-vi. as iv.-vii. (No change in text.)
- 3. Annual filing fee for Maintenance and Preservation Trust Fund Report and price list ..... 75.00

(b) (No change.)

<< NJ ADC 13:44J-7.1 >>

**13:44J-7.1 Memorials**

(a)-(f) (No change.)

<<+(g)+>> <<+Cemetery companies are prohibited from selling commercially available bases of concrete, granite or marble to be attached to a bronze memorial, provided that the determination as to the need and design of subsurface support shall be governed by the reasonable rules of the cemetery company.+>>

<< NJ ADC 13:44J-10.5 >>

**13:44J-10.5 Multiple licenses**

A cemetery salesperson selling for more than one cemetery company shall obtain a separate license for each cemetery company for which he or she sells and shall pay a license and temporary license fee for each cemetery but the applicant shall be required to pay only one application fee.

<< NJ ADC 13:44J-13.1 >>

**13:44J-13.1 Application for certificate of authority**

(a)-(b) (No change.)

(c) A cemetery company organized before December 1, 1971 applying for a certificate of authority shall submit to the Board:

1.-2. (No change.)

3. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(1), made payable to the New Jersey Cemetery Board;

4.-6. (No change.)

(d)-(e) (No change.)

(f) A cemetery company organized on or after December 1, 1971 applying for a certificate of authority shall submit to the Board:

1.-2. (No change.)

3. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(1), made payable to the New Jersey Cemetery Board;

4.-9. (No change.)

(g)-(j) (No change.)

<< NJ ADC 13:44J-13.3 >>

### **13:44J-13.3 Merger or consolidation of cemetery companies**

(a) (No change.)

(b) A cemetery company which wishes to merge into or consolidate with another cemetery company shall submit to the Board:

1.-3. (No change.)

4. An information fact sheet from each cemetery company which contains the following:

i.-vi. (No change.)

vii. A copy of the resolution of merger or consolidation approved by a majority of the board of trustees or directors of each cemetery company, and by a majority of lot owners of each cemetery company voting at a lot owners meeting for which adequate notice was given;

5. A proposal for the continued administration of the Maintenance and Preservation Fund; and

6. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(3).

(c) (No change.)

<< NJ ADC 13:44J-13.4 >>

### **13:44J-13.4 Application for sale of cemetery lands**

(a) (No change.)

(b) A cemetery company which wishes to sell any land dedicated to cemetery purposes shall submit to the Board:

1.-8. (No change.)

9. An appraisal of the property by a licensed real estate appraiser having no interest in either the cemetery company or the purchasing entity. If either the cemetery company or the purchasing entity or the principals of either has an interest in the other, two independent appraisals shall be submitted; and

10. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(2).

(c) (No change.)

(d) Applicants for an easement shall submit:

1. (No change.)

2. Reason for the easement;

3. Payment to the cemetery company, if any; and

4. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(2).

(e)-(f) (No change.)

<< NJ ADC 13:44J-13.5 >>

**13:44J-13.5 Application for enlargement of cemetery area by purchase**

(a) (No change.)

(b) A cemetery company which wishes to purchase land and dedicate that land for cemetery purposes shall submit to the Board:

1.-2. (No change.)

3. A copy of the resolution of consent by the municipality where the cemetery is located, as required by N.J.S.A. 8A:6-5; and

4. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(6).

(c) (No change.)

<< NJ ADC 13:44J-13.6 >>

**13:44J-13.6 Application to lease or license unused cemetery lands to a nonprofit, religious, educational or charitable organization**

(a) (No change.)

(b) An application to lease or license unused cemetery lands to a nonprofit, religious, educational or charitable organization pursuant to N.J.S.A. 8A:6- 12 shall include:

1.-5. (No change.)

6. A copy of the lease;

7. A statement by the board of trustees or directors that the proceeds of the lease will be used to pay the debts and liabilities of the cemetery company, to improve the cemetery, or both; and

8. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(7).

(c) (No change.)

<< NJ ADC 13:44J-13.7 >>

### **13:44J-13.7 Leasing unused cemetery lands to a for-profit entity**

(a) (No change.)

(b) A cemetery that wishes to lease unused land to a for-profit entity shall provide the Board with:

1.-2. (No change.)

3. A statement by the board of trustees or directors that the proceeds of the lease will be used to pay the debts and liabilities of the cemetery company to improve the cemetery, or both;

4. A statement by the prospective lessee that it does not engage, directly or indirectly, in an activity that a cemetery company is prohibited from engaging in pursuant to N.J.S.A. 8A:5-3; and

5. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(7).

(c) (No change.)

<< NJ ADC 13:44J-14.1 >>

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

(a)-(c) (No change.)

(d) An application for approval of a bulk sale shall include the following:

1.-3. (No change.)

4. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(8).

(e) (No change.)

<< NJ ADC 13:44J-14.2 >>

### **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**

(a)-(b) (No change.)

(c) An application for sale of the graves shall include the following:

1.-2. (No change.)

3. A certified statement by the officer of the purchasing organization that:

i.-v. (No change.)

vi. The purchaser shall forward to the cemetery company the name and address of individuals who have the right of interment space and their next of kin;

4. A statement by the cemetery company that:

i.-ii. (No change.)

iii. To the best of its knowledge, the transaction is being undertaken in good faith, and neither the selling organization, nor the purchasing organization has a speculative intent which would violate N.J.S.A. 8A:9-7; and

5. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(8).

(d) (No change.)

<< NJ ADC 13:44J-15.2 >>

### **13:44J-15.2 Application for removal of monumentation**

(a)-(b) (No change.)

(c) If the cemetery company is unable to obtain written consent, either because the owner fails to consent or because the cemetery after diligent effort is unable to locate the owner, it may submit an application for removal to the Board. The application for removal shall include:

1. (No change.)

2. A statement by an officer of the cemetery company that the cemetery company is unable, after diligent effort, to obtain written permission from the owner of the interment space or lot;

3. Photographs of the monumentation sought to be removed; and

4. An application fee as set forth in N.J.A.C. 13:44J-3.1(a)1iv(4).

(d)-(g) (No change.)

<< NJ ADC 13:44J-15.3 >>

### **13:44J-15.3 Removal of dangerous monumentation**

(a)-(b) (No change.)

(c) The cemetery company may apply to the Board to dispose of the monumentation six months from the date of notification if it has not heard from the owner, owners or interested parties. Applications should include the reasons for the disposal of the monumentation, proof that the certified letter has been sent to the owner, interested parties and newspaper, photographs of the monumentation from (a) above and an application fee as set forth in N.J.A.C. 13:44J-3.1(a)1v(4).

(d)-(e) (No change.)