



GRAVE REMOVAL PETITION

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Submit required documentation to:

Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street, Downtown Raleigh
Contact (919) 856-6335 for additional information.

Petitioner

Name _____

Telephone Number _____ Fax Number _____

Address _____

City _____ State _____ Zip Code _____

Subject Property Address and Parcel Identification Number (PIN):

Reason for Petition:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: _____

Property Owner

Name _____

Telephone Number _____ E-Mail _____

Address _____

City _____ State _____ Zip Code _____

All property owners must sign this application (please attach separate sheet for signatures if needed) unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application. All documents and maps submitted as required become the property of Wake County.

Signature: _____ Date: _____

Notes: County fee to file petition is \$500.00

1. For **disinterment and removal**, attach a map to scale of the current location of the gravesites. Include the address, Parcel Identification Number (PIN), acreage, number of graves, and zoning district. A deed of the subject property must also be provided. Provide a list of all known next of kin (names and contact information). Provide a list of the decedents buried in the cemetery along with documentation of any tombstone inscriptions. Wake County staff may require additional information as needed.
2. For **re-interment**, attach a map of the location of the receiving cemetery. Include the address, Parcel Identification Number (PIN), acreage and zoning district. Written consent of the property owner must be attached. Local zoning and Health Department approval may be required by some jurisdictions if a cemetery is created or expanded. In some cases, obtaining local zoning approval may be a prerequisite to this petition.
3. North Carolina General Statute 65-106 requires written notice to all known next of kin of all of the decedents 30 days prior to disinterment, removal and re-interment. Attach copies of dated written notices with this petition. The notices must indicate that the next of kin should notify the petitioner within 30 days if they have any objections to the disinterment and re-interment of the graves. Consent forms should be mailed with each notice and copies of the consent forms attached with this petition.

Grave Removal Process

North Carolina General Statutes, Section 65-106, requires that a grave can only be moved by a party other than the next of kin, after a public hearing as prescribed by the following process:

- The petitioner shall give a 30-day written notice of intention to next of kin of the deceased prior to the disinterment, removal, and re-interment of any grave occurs.
- The petitioner shall publish a notice of the grave removal and re-interment at least once per week for four consecutive weeks in a newspaper of general circulation within the county where the graves(s) is/are situated (first publication shall be not less than 30 days prior to the disinterment.) An affidavit of publication from the publishing newspaper must be provided by the petitioner to the county staff.
- The county staff shall post a notice of public hearing for the grave removal and re-interment on the property a minimum of 10 days prior to the public hearing.
- Hold the public hearing to receive public input about the grave removal and re-interment.
- Upon the granting of the request, a written certificate of the removal facts, such as a description of the location of the existing grave site, the actual number of sets of remains found, the name and contact information for the party effecting the disinterment and re-interment, any tombstone inscriptions, and the location where the remains have been re-interred, must be filed by the party performing the removal and re-interment with the Register of Deeds within 30 days of completion of the work.
- Representatives of the Wake County Department of Environmental Services are required to be on site to observe the removal and re-interment of the remains.
- Within 30 days after the completion of removal and re-interment, the petitioner must submit a Removal of Graves Certificate to the Wake County Health Department.

Grave Disinterment, Removal and Re-interment Overview

- I. Who may Disinter, Move and Re-inter
 - A. Any political unit of federal, state, municipal or county governments
 - B. Any church or place of religious assembly
 - C. A utility that needs land for a reservoir.
 - D. Any person, firm or corporation that owns land on which an abandoned cemetery is located.

- II. When a public hearing is required
 - A. When the remover is not the landowner and/or next of kin.
 - B. When abandoned and unidentified graves are involved and the next of kin is not known or consent is not given.

- III. What areas of Wake County are regulated by Wake County
 - A. Wake County's Planning and Zoning jurisdiction.
 - B. Areas outside the corporate limits of cities and towns.

- IV. Application Process
 - A. If a public hearing is required, the applicant must complete the petition form and provide all relevant information as determined by staff.
 - B. Tentative date set by staff for the public hearing.

- V. Notice of Disinterment, Removal and Re-interment
 - A. 30-day written notice of intention to the next of kin of the decedent(s) prior to the disinterment, removal and re-interment.
 - B. Notice to be published by the party requesting the disinterment at least once per week for four successive weeks in a newspaper of general circulation in the county where the graves are situated. (The first publication shall not be less than 30 days prior to disinterment.)
 - C. Staff must also post the property a minimum of 10 days prior to the public hearing.

- VI. Agenda Item
 - A. Once the petitioner submits documentation that notices, consent forms and maps are complete, staff can complete the agenda item information package.
 - B. Public hearing date set.

- VII. Re-interment
 - A. Within 30 days of the completion of the removal and re-interment, the party effecting the disinterment and re-interment must file a written certificate with the Wake County Register of Deeds of the removal facts.
 - B. Standard Register of Deeds recordation fees will apply.
 - C. Expenses
 1. The party effecting the disinterment, removal and re-interment, shall bear all costs of the disinterment, removal, acquisition of the new burial site, and re-interment.
 2. If the next of kin incurs cost of attending the same, then the petitioner must pay them a sum of up to \$200.00.

D. The party effecting the disinterment, removal and re-interment shall:

1. provide that the receiving cemetery site must be of suitable dimensions to accommodate the graves
2. ensure that the receiving cemetery is reasonably accessible to all relatives
3. provide written consent by the next of kin to reenter any remains within a common grave
4. if disinterment, removal and re-interment by public agency or utility, then duties must be performed by a licensed funeral director or funeral service licensee.

E. Supervision

1. All actions shall be made under the supervision and direction of the Board of Commissioners' appointed representative (i.e.—a member of the Wake County Environmental Services staff—contact Kent Daeke at 919 856-7434 to schedule an appointment).

North Carolina General Statute Governing the Disinterment and Re-interment of Graves

§ 65-106. Removal of graves; who may disinter, move, and reinter; notice; certificate filed; reinterment expenses; due care required.

(a) The State of North Carolina and any of its agencies, public institutions, or political subdivisions, the United States of America or any agency thereof, any church, electric power or lighting company, or any person, firm, or corporation may effect the disinterment, removal, and reinterment of graves as follows:

- (1) By the State of North Carolina or any of its agencies, public institutions, or political subdivisions, the United States of America or any agency thereof, when it shall determine and certify to the board of county commissioners in the county from which the bodies are to be disinterred that such removal is reasonably necessary to perform its governmental functions and the duties delegated to it by law.
- (2) By any church authority in order to erect a new church, parish house, parsonage, or any other facility owned and operated exclusively by such church; in order to expand or enlarge an existing church facility; or better to care for and maintain graves not located in a regular cemetery for which such church has assumed responsibility of care and custody.
- (3) By an electric power or lighting company when it owns land on which graves are located and the land is to be used as a reservoir.
- (4) By any person, firm, or corporation who owns land on which an abandoned cemetery is located after first securing the consent of the governing body of the municipality or county in which the abandoned cemetery is located.

(b) The party effecting the disinterment, removal, and reinterment of a grave containing a decedent's remains under the provisions of this Part shall, before disinterment, give 30 days' written notice of such intention to the next of kin of the decedent, if known or subject to being ascertained by reasonable search and inquiry, and shall cause notice of such disinterment, removal, and reinterment to be published at least once per week for four successive weeks in a newspaper of general circulation in the county where such grave is located, and the first publication shall be not less than 30 days before disinterment. Any remains disinterred and removed hereunder shall be reinterred in a suitable cemetery.

(c) The party removing or causing the removal of all such graves shall, within 30 days after completion of the removal and reinterment, file with the register of deeds of the county from which the graves were removed and with the register of deeds of the county in which reinterment is made, a written certificate of the removal facts. Such certificate shall contain the full name, if known or reasonably ascertainable, of each decedent whose grave is moved, a precise description of the site from which such grave was removed, a precise description of the site and specific location where the decedent's remains have been reinterred, the full and correct name of the party effecting the removal, and a brief description of the statutory basis or bases upon which such removal or reinterment was effected. If the full name of any decedent cannot reasonably be ascertained, the removing party shall set forth all additional reasonably ascertainable facts about the decedent including birth date, death date, and family name.

The fee for recording instruments in general, as provided in G.S. 161-10(a)(1), for registering a certificate of removal facts shall be paid to the register of deeds of each county in which such certificate is filed for registration.

(d) All expenses of disinterment, removal, and acquisition of the new burial site and reinterment shall be borne by the party effecting such disinterment, removal, and reinterment, including the actual reasonable expense of one of the next of kin incurred in attending the same, not to exceed the sum of two hundred dollars (\$200.00).

(e) The Office of Vital Records of North Carolina shall promulgate regulations affecting the registration and indexing of the written certificate of the removal facts, including the form of that certificate.

(f) The party effecting the disinterment, removal, and reinterment of a decedent's remains under the provisions of this Part shall ensure that the site in which reinterment is accomplished shall be of such suitable dimensions to accommodate the remains of that decedent only and that such site shall be reasonably accessible to all relatives of that decedent, provided that the remains may be reinterred in a common grave where written consent is obtained from the next of kin. If under the authority of this Part, disinterment, removal, and reinterment are effected by the State of North Carolina or any of its agencies, public institutions, or political subdivisions, the United States of America or any agency thereof, any electric power or lighting company, then such disinterment, removal, and reinterment shall be performed by a funeral director duly licensed as a "funeral director" or a "funeral service licensee" under the provisions of Article 13A of Chapter 90 of the General Statutes.

(g) All disinterment, removal, and reinterment under the provisions of this Part shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county where the disinterment, removal, and reinterment take place. If reinterment is effected in a county different from the county of disinterment with the consent of the next of kin of the deceased whose remains are disinterred, then the disinterment and removal shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county of the disinterment, and the reinterment shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county of reinterment.

Due care shall be taken to do said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for reintering such remains. Due care shall also be taken to remove, protect, and replace all tombstones or other markers, so as to leave such tombstones or other markers in as good condition as that prior to disinterment. Provided that in cases where the remains are to be moved to a perpetual care cemetery or other cemetery where upright tombstones are not permitted, a suitable replacement marker shall be provided.

(h) Nothing contained in this Part shall be construed to grant or confer the power or authority of eminent domain, or to impair the right of the next of kin of a decedent to remove or cause the removal, at his or their expense, of the remains or grave of such decedent. (1919, c. 245; C.S., ss. 5030, 5030(a); Ex. Sess. 1920, c. 46; 1927, c. 23, s. 1; c. 175, s. 1; 1937, c. 3; 1947, cc. 168, 576; 1961, c. 457; 1963, c. 915, s. 1; 1965, c. 71; 1971, c. 797, s. 1; 1977, c. 311, s. 1; 2001-390, s. 3; 2007-118, s. 1.)