



CHAPTER 65

ARTICLE 12 - ABANDONED AND NEGLECTED CEMETERIES

N.C.G.S. § 65-102.

Entering public or private property to maintain or visit without consent.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2007-118, s. 1 — fourth act in the lineage	21 September 2026, 04:02 UTC	46050c33531b0d13f04fdec2 - 1ac0c74979590c43105701e3 - 019b23284ac8a63d

§ 65-102(a)

If the consent of the landowner cannot be obtained, any person listed in G.S. 65-101(1), (2), or (3) may commence a special proceeding by petitioning the clerk of superior court of the county in which the petitioner has reasonable grounds to believe the grave or abandoned public cemetery is located for an order allowing the petitioner to enter the property to discover, restore, maintain, or visit the grave or abandoned public cemetery. The petition shall be verified. The special proceeding shall be in accordance with the provisions of Articles 27A and 33 of Chapter 1 of the General Statutes. The clerk shall issue an order allowing the petitioner to enter the property if the clerk finds all of the following:

- (1) There are reasonable grounds to believe that the grave or abandoned public cemetery is located on the property or it is reasonably necessary to enter or cross the landowner's property to reach the grave or abandoned public cemetery.
- (2) The petitioner, or the petitioner's designee, is a descendant of the deceased, or the petitioner has a legitimate historical, genealogical, or governmental interest in the grave or abandoned public cemetery.
- (3) The entry on the property would not unreasonably interfere with the enjoyment of the property by the landowner.

§ 65-102(b)

The clerk's order may state one or more of the following:

- (1) Specify the dates and the daylight hours that the petitioner may enter and remain on the property.
- (2) Grant the petitioner the right to enter the landowner's property periodically, as specified in the order, after the time needed for initial restoration of the grave or abandoned public cemetery.
- (3) Specify a reasonable route from which the petitioner may not deviate in all entries and exits from the property.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

198719972007

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1987	c. 686, s. 1	ENACTED
02	1991	c. 36, s. 1	AMENDED
03	1999	S.L. 1999-216, s. 12	AMENDED
04	2007	S.L. 2007-118, s. 1	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 65-101(1), (2), or (3)	(a)	"be obtained, any person listed in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 65-102 (2007).

PINPOINT

N.C. Gen. Stat. § 65-102(a) (2007).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1987, c. 686, s. 1; 1991, c. 36, s. 1; 1999-216, s. 12; 2007-118, s. 1.)

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