

**Chapter 98-20 WAC
CEMETERY PROPERTY**

Last Update: 10/5/18

WAC

98-20-020
98-20-030

Definitions—Sale or transfer of ownership or control of any cemetery.
Allowing burials in an abandoned cemetery.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

98-20-010

Removal of dedication. [Statutory Authority: RCW 68.05.100. WSR 81-07-013 (Order 104), § 98-20-010, filed 3/9/81.] Repealed by WSR 89-08-043 (Order PM 830), filed 3/31/89. Statutory Authority: RCW 68.05.105.

WAC 98-20-020 Definitions—Sale or transfer of ownership or control of any cemetery. For purposes of RCW 68.05.115, sale or transfer of ownership or control of any cemetery authority, the following definitions shall apply:

(1) **Sale:** The purchase of a controlling interest (fifty percent or more) of assets or stock of an existing cemetery corporation.

(2) **Ownership:** The individual or individuals who own the stock of the cemetery corporation. Any one individual who owns fifty percent or more of the stock is considered an owner. When percentages of stock ownership change, anyone moving into a majority (fifty percent or more) position shall be considered the new owner, and thus subject to the provisions of RCW 68.05.115.

(3) **Control:** The person or entity who has fifty percent or more of the ownership, or has acquired the right to sell the corporation or its assets.

[Statutory Authority: RCW 68.05.105. WSR 89-08-043 (Order PM 830), § 98-20-020, filed 3/31/89. Statutory Authority: RCW 68.05.100. WSR 86-17-063 (Order 109), § 98-20-020, filed 8/19/86.]

WAC 98-20-030 Allowing burials in an abandoned cemetery. The definitions found in chapters 68.04 and 68.60 RCW apply to this section.

(1) Human remains or cremated human remains may be buried in an abandoned cemetery under the following conditions:

(a) Ownership of the plot, right of interment or vested right of placement can be clearly established pursuant to chapter 68.32 RCW; or

(b) The person(s) having the right to control disposition per RCW 68.50.160 has documentation issued by the cemetery authority prior to the date of abandonment establishing ownership of the plot, right of interment or vested right of placement for the human remains to be buried; or

(c) When a court of competent jurisdiction finds that there is sufficient evidence of ownership, right of interment or vested right of placement and issues a court order.

(2) The person(s) having the right to control disposition must follow the requirements found in RCW 70.58.230 through 70.58.260 prior to the burial of human remains.

(3) Human remains may be removed from an abandoned cemetery with the permission of the superior court of the county where the cemetery is situated and a disinterment permit per RCW 70.58.230.

(4) The person(s) having the right to control disposition may place a grave marker on the grave of human remains buried in an aban-

doned cemetery and may do all things commonly allowed on dedicated cemetery property.

(5) The person(s) having the right to control disposition must provide a record of the burial to the department of archaeology and historic preservation.

[Statutory Authority: RCW 68.05.105 and chapter 68.60 RCW. WSR 18-21-026, § 98-20-030, filed 10/5/18, effective 11/5/18.]