

## Part 5 Cemeteries and Crematoria

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## **500 SCOPE**

The purpose of this Part of the bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership. This bylaw is made pursuant to section 145 and 146 of the Local Government Act 2002 and the Burials and Cremations Act 1964 as amended.

## **501 DEFINITIONS AND INTERPRETATION**

501.1 For the purposes of this bylaw the following definitions shall apply:

**CEMETERY** any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

**CREMATORIUM** any crematorium maintained by the Council.

**MANAGER** any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the bylaw.

**SEXTON** any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction. Such activities include arranging for the provision of plots for burials.

501.2 Nothing in this Part of the bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- (a) Burial and Cremation Act 1964;
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
- (c) Cremation Regulations 1973;
- (d) Health (Burial) Regulations 1946.

## **502 BURIALS AND SALE OF PLOTS**

- 502.1 Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.
- 502.2 No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.
- 502.3 Burials shall take place in such plots as the Manager shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.
- 502.4 No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one meter.
- 502.5 Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

## **503 FEES**

- 503.1 The Council may by resolution or through the annual plan process, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.
- 503.2 "Out of District" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The timeframe for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if

they have been a resident of the hospital or institution longer than three months. The Manager appointed by the Council shall determine in each case whether an “out of district” fee is applicable.

#### **504 HOURS OF OPERATION**

504.1 Funerals may be held on such days and at such times as the Council shall determine.

#### **505 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC.**

505.1 All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 and kept in good order or repair by the purchasers of the plots or their representatives. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installations of any kind that shall fall into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

505.2 Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.

505.3 The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

505.4 No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.

505.5 No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.

- 505.6 All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.
- 505.7 No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part therefore shall project above the ground immediately adjoining it.
- 505.8 Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.
- 505.9 No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature.

## **506 SHRUBS AND TREES**

- 506.1 No tree or shrub shall be planted in any part of any cemetery by any person without the consent of the Council being first obtained

## **507 VEHICLES**

- 507.1 Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- 507.2 No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- 507.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 507.4 Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

## **508 SOLICITING OF ORDERS**

- 508.1 No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed or used in any cemetery.
- 508.2 Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order of custom as aforesaid.
- 508.3 No person shall without the consent of the funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

## **509 BURIAL OR CREMATION OF POOR PERSONS**

- 509.1 Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of internment or cremation fixed by this Part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that where relatives and friends are unable to pay the same.

## **510 DECEASED SERVICEMEN**

- 510.1 The fee payable to the Council for the disinterment of any deceased servicemen and the reinterment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

## **511 DISINTERMENT**

- 511.1 Where a request for a disinterment and/or a reinterment is received by the Council or other cemetery owner, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides.

## **512 CREMATION**

- 512.1 An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The Council will not hold ashes beyond three months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.
- 612.2 The casket containing any deceased person intended for cremation shall be made of an approved combustible material.
- 612.3 No casket shall be opened after admission to the crematorium without the consent of the Sexton.
- 612.4 The Council shall determine the hours of operation of its crematorium.
- 612.5 Every application for cremation together with all the necessary documentation shall be deposited with the Manager prior to cremation.

## **513 SAFETY**

- 513.1 No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Sexton shall fill in a grave.

## **514 MONUMENTAL WORK IN CEMETERIES**

- 514.1 The installation of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.