



Cemeteries Bylaw 1992

South Taranaki District Council



South Taranaki
District Council



CEMETERIES BYLAW 1992 SOUTH TARANAKI DISTRICT COUNCIL

1.0 Title

- 1.1 This Bylaw is made under Section 145 of the Local Government Act 2002 and Section 16 of the Burial and Cremation Act 1964 and any amendments, and shall be known as the South Taranaki District Council Cemeteries Bylaw 1992.

2.0 Commencement

- 2.1 This Bylaw shall come into force on 13 July 1992, has been renewed on the 17 March 2008. This Bylaw has been amended on 30 September 2013 and the amendments shall come into force on 1 November 2013.

3.0 Purpose of the Bylaw

- 3.1 The purpose of this Bylaw is to set and maintain standards for the operation of Cemeteries which are under the Council's ownership or control, within the South Taranaki District.
- 3.2 This Bylaw stipulates the provisions for interments and provides regulations for industry personnel and general members of the public, in terms of the following:
- a) Provisions for interments
 - b) Fees
 - c) Digging of graves; and
 - d) Tombstones, headstones and monuments.

4.0 Interpretation

- 4.1 In this Bylaw –

Authorised Agent means any agent recognised as such by the Council through contractual obligations.

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

Ashes mean the cremated remains of a deceased person.

Body means the body of a deceased person.

Burial or Interment means the action or practice of interring a dead body or its ashes.

Burial Warrant means a prescribed form which lists details of the deceased person and specifications for interment.

Council means the South Taranaki District Council.

Cemetery means any cemetery that is under the control and management of the Council.

Decorate means place or attach any flowers, vase, figurine or ornament.

Exclusive right means the official or hereditary right of burial reserved exclusively by a particular person or his or her assignee.

Funeral Director means a person, who in the course of their business, carries out burials and related matters.

Plot means a lot in a cemetery that is laid off and shown on the plan for the purposes of interment.

Purchaser includes the executors, administrators and assigns of a purchaser of the exclusive right of a plot, and owner of such exclusive right.

Physical works means the installation, modification, maintenance, repair, or removal of any plot, monument or headstone and includes the planting of any tree, shrub or flower.

Special Lots means multiple adjacent plots set aside for the purpose of burying a specified group of people such as members or relations of a family.

5.0 Provisions for all Interments

- 5.1 No burial shall be undertaken in any cemetery under the Council's ownership or control, without a Burial Warrant being obtained from Council.
- 5.2 In all cases of intended burials, the Funeral Director or person having the management or control of the burial, will apply to the Council for a Burial Warrant, and will produce evidence of death to the Council, as may be required.
- 5.3 A Burial Warrant shall be applied for only on the prescribed form. Once granted, the Burial Warrant shall provide an exclusive right of burial in perpetuity to the holder, subject to payment of the relevant fees, but shall be limited by any bylaw that the Council may create from time to time, to control its cemeteries.
- 5.4 Burial services shall take place between the hours of 8:00 am and 4:30 pm Monday to Sunday but not on any public holidays unless approved by the Council on specific request which may incur additional charges.
- 5.5 Nothing in 5.4 limits the burial of persons who according to cultural and religious convention and practice, are required to be buried before sun-down.

- 5.6 The burial of animal remains or ashes, including that of companion animals, is prohibited in any part of any Cemetery.

6.0 Cremation Plots

- 6.1 The Council reserves the right to deny an application for a Burial Warrant where the burial of ashes is requested in a cremation plot which already contains multiple ashes burials.

7.0 Fees

- 7.1 For every burial application there shall be paid to the Council such fee as the Council may by resolution from time to time prescribe in the current Fees and Charges Schedule.
- 7.2 Any application for the purchase of the exclusive right of burial in any plot or ground not previously used for interment shall lapse unless the purchase is completed by payment within 6 calendar months from the date of the application.

8.0 Burial of Poor Persons

- 8.1 The Council will meet the requirements of the Burial and Cremations Act 1964 (the Act) or any amendment.
- 8.2 Burial of Poor Persons as defined by the Act will be held in plots decided by an Authorised Officer of the Council.

9.0 Opening and closing of the ground for burial

- 9.1 No person other than authorised Council Officers and their Authorised Agents shall dig any grave, or open the ground for burials in any part of any cemetery.
- 9.2 Any person being the family or friends of the deceased may close any grave or area opened for burial under the supervision of an Authorised Officer or Authorised Agent.

10.0 Tombstones, Headstones and Monuments

- 10.1 Tombstones, Headstones, or Monuments shall be erected at the head of the graves on a continuous concrete strip to be provided. In the case of Special Lots set apart for family graves, all tombstones, headstones or monuments shall be erected in the centre of the plot.
- 10.1.1 No monument, ornament or other paraphernalia shall be permitted within a 150 millimetre margin of either side of a concrete berm to maintain a mowing strip.
- 10.2 Any monument or statuary over the height of 2 metres, or any mausoleum or vault, is required to be constructed in compliance with the Building Act 2004 and any amendments. A person intending to carry out such work must obtain prior

approval from the Council for the physical works through a permit, and that approval shall be subject to such conditions that the Council may impose.

- 10.3 No monument, statuary or articles, typically (but not limited to) jars, vases, toys, plastic ornaments or alcohol paraphernalia, shall be placed or affixed on the turf of a grass cemetery mown by the Council.
- 10.4 No person shall plant or cultivate any plants, flowers, trees, shrubs or gardens on the turf of a Cemetery or within any Cemetery space, without the prior written consent of an Authorised Officer.
- 10.5 No person shall place any glass receptacle or vitreous article of any kind on the lawn of any cemetery.
- 10.6 The Council may remove any vases, planters, containers, memorabilia or articles which are placed outside the concrete berm, or which are neglected, unsafe or broken, where such articles have been left for a period longer than 1 calendar month.
- 10.7 The installation of tombstones, headstones and monuments must be undertaken by a pre-approved contractor as defined under the Council's Health and Safety in the Workplace Policy and have provided evidence to the Council, of compliance with relevant Standards in regards to the design, manufacturing and installation of tombstones, headstones and monuments (NZS 4242:1995 Headstones and Cemetery Monuments and NZS 3109:1997 Concrete Construction).
- 10.8 The approved person must, when undertaking the placement of tombstones, headstones or monuments associated with any plot, obtain prior approval from the Council for the physical works through a permit, and that approval shall be subject to such conditions that the Council may impose.
- 10.9 The approved person must pay all applicable fees related to the approval of the permit for physical works or make arrangements for the fees to be paid to the Council.
- 10.10 The Council is responsible for maintenance of cemeteries, including the upkeep of lawns and gardens.
- 10.11 The holder of the exclusive right of burial to a plot, or his or her assignee, is responsible for maintaining tombstones, headstones, monuments and all covers of graves not left in lawn, so that they do not fall into a state of disrepair or create a risk to the health and safety of any other person.

11.0 Appropriate behaviour in cemeteries

- 11.1 Every person entering or remaining in a cemetery shall comply with any rules made by the Council under this Bylaw.
- 11.2 No person entering or remaining in a cemetery shall:

- a) Behave in a manner that creates a nuisance or is offensive to another person;
- b) Bring into or exhibit in the cemetery any article that is a nuisance or is offensive to another person; or
- c) Damage any Council property, or damage or interfere with any monument, decoration, or the property of another person.

11.3 Every person driving or in charge of any vehicle in a cemetery shall:

- a) Give an unconditional right of way to any funeral procession
- b) Remove the vehicle from the cemetery during the hours the cemetery gates are closed; and
- c) Comply with any request of an Authorised Officer.

12.0 Conditions of burial

12.1 Any body may be buried in any plot in a cemetery provided that:

- a) Either:
 - i) The exclusive right of burial has been purchased for that plot and for that body;
 - ii) The consent of the purchaser of that exclusive right of burial or their assignee for that plot has been obtained; and
- b) A burial warrant has been received by the Council and any other notification required under rules made by the Council under this Bylaw; and
- c) The burial complies with any rules made by the Council under this Bylaw; and
- d) All applicable fees have been paid or arrangements for the fees to be paid have been made with the Council.

12.2 Section 10 of the Burial and Cremation Act 1964 applies to the sale of the exclusive right of burial in any part of a cemetery.

13.0 Disinterment of bodies or remains

13.1 This clause is subject to Section 51 of the Burial and Cremation Act 1964.

13.2 Before a body or the remains of any body may be removed from its burial place in a cemetery, the person wishing to remove the body or remains shall obtain:

- a) A licence from the Minister of Health under Section 51 of the Burial and Cremation Act 1964; and
- b) Prior approval of the Council in writing.

13.3 The removal of a body or remains of a body under this clause shall only take place in the presence of:

- a) The relevant Authorised Officers;
- b) A funeral director and necessary staff;
- c) The relevant Ministry of Health inspectors; and

- d) Any other person who has the prior approval of the Council to be present.

13.4 If a body or the remains of a body have been removed from a burial plot, the person holding the disinterment licence under Section 51 of the Burial and Cremation Act 1964 is liable for any cemetery maintenance costs associated with the removal of the body or the remains, unless otherwise agreed by an Authorised Officer.

14.0. The Council may make rules relating to cemeteries

14.1 The Council may from time to time, by resolution, make rules relating to one or more cemeteries on the following matters:

- a) The days and hours during which a cemetery will be open for burials
- b) The persons who may dig a grave or open the ground for a burial, and who may close any grave or area opened for burial
- c) The notification period required before a burial may be made at a cemetery
- d) The form of a burial warrant, the information to be supplied in the burial warrant, and who must complete the burial warrant
- e) The location and dimensions of plots for burials and the burial of urns and ashes (including the maximum number of urns that may be buried in a plot)
- f) The conditions for undertaking physical works in a cemetery including:
 - i) The information required for the approval of physical works, including the style, design, material and size of any physical works associated with any plot and the wording of any inscriptions; and
 - ii) The minimum requirements that must be met in undertaking any physical works.
- g) The types of physical works that may be erected in a cemetery and the places where those works may be erected; and
- h) The placement of decorations, trees and shrubs.

15.0 Penalties and Offences

15.1 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

15.2 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

This Bylaw was made by the South Taranaki District Council on 13 July 1992.
This Bylaw was renewed by the South Taranaki District Council on 17 March 2008.
This Bylaw was amended by the South Taranaki District Council on 30 September 2013.

THE COMMON SEAL of the SOUTH)
TARANAKI DISTRICT COUNCIL was)
hereto affixed by resolution)
of the said Council in the)
presence of:)



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Mayor



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Chief Executive