

# CEMETERIES BYLAW 20~~13~~14

## 1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is made pursuant to section 146 of the Local Government Act 2002 and section 16 of the Burial and Cremation Act 1964.
- 1.2 This bylaw is the Hurunui District Council Cemeteries Bylaw ~~XXXX~~ 2014.
- 1.3 This bylaw comes into force on ~~XXXX13~~ February 2014.
- 1.4 This bylaw revokes the Hurunui District Council Cemeteries Bylaw ~~2008~~2014.

## 2. OBJECTIVES

- 2.1 The objectives of this bylaw include:
- To enable Council to control and set standards for the operation of cemeteries under its control and management
  - To ensure that the interment of human remains is carried out in an appropriate manner
  - To protect the land and structures associated with cemeteries
  - To enable ease of maintenance of the cemeteries under Council control

## 3. DEFINITIONS AND INTERPRETATION

- 3.1 In this bylaw, except where inconsistent with the context:

**Authorised Officer** means any person appointed by the Council to carry out duties and exercise powers under this bylaw.

~~**Burial Warrant** means the warrant issued by the Authorised Officer.~~

**Cemetery** means all Public Cemeteries of which the Hurunui District Council has the control and management under the Burial and Cremation Act 1964.

**Cemetery Register** means the register kept by the Council pursuant to Clause 16.

**Council** means the Hurunui District Council.

**Cremation Plot** means a plot laid off in any Cemetery pursuant to Clause 9.

**Grave Plot** means a grave plot laid off in any Cemetery pursuant to Clause 9.

~~**Headstone** means a stone or monument placed as a marker or memorial at a plot.~~

**Interment** includes the burial of a ~~deceased~~ human body in a grave plot and the burial of cremated human remains in a cremation plot.

~~**Interment Warrant** means the warrant issued by the Authorised Officer pursuant to clause 6.~~

**Lawn Cemetery** means such part or parts of any Cemetery set aside as a Lawn Cemetery pursuant to Clause 9.5.

**Lawn Plot** means a grave plot laid off in any Cemetery pursuant to Clause 9.

~~**Plot** refers to all types of plots, including Cremation, Grave and Lawn Plots.~~

**Plot Holder** means the person recorded as being entitled to the exclusive right, in perpetuity, of interment burial in any ~~grave plot, lawn plot or cremation~~ plot.

**Recorded** means recorded in the Cemetery Register.

**Sexton** means the person authorised by the Council to perform the duties of a Sexton.

#### 4. FEES

4.1 Actual and reasonable fees will be charged as per Council's fees and charges schedule.

#### 5. PENALTIES AND OFFENCES

5.1 Every person commits a breach of this bylaw who:

- (a) Commits, or causes to be committed, any act contrary to this bylaw, or
- (b) Omits, or knowingly permits to remain undone, any act required by this bylaw, or
- (c) Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this bylaw, or
- (d) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw.

5.2 The maximum penalty on summary conviction is \$20,000.

#### 6. ~~BURIAL-INTERMENT~~ WARRANTS

6.1 No interment may be made in any Cemetery without an Interment-Burial Warrant first being obtained from the Council.

~~6.2~~ In the case of intended interment, the Funeral Director must apply to the Authorised Officer for a Burial-Interment Warrant, together with the prescribed fee.

~~6.26.3~~ Where a memorial is planned for the plot, this may be canvassed by the Funeral Director with the family at the time the Burial-Interment Warrant is applied for, to ensure a suitable plot is allocated.

~~6.4~~ No interment will be permitted until the Burial-Interment Warrant is delivered to the Sexton.

~~6.36.5~~ When applying for an Interment Warrant, a person may request dispensations from the requirements of this Bylaw for cultural or religious reasons, or due to special circumstances. When such a request is received the Authorised Officer has discretion, in consultation with the applicant, to grant dispensations to the requirements of this bylaw that enable the interment to be carried out in a respectful and sensitive manner, while ensuring that the health and safety of persons is not put at risk.

## 7. ~~BURIAL PLOT~~ DEPTHS AND NUMBER OF ~~BURIALS-INTERMENTS~~ PER PLOT

7.1 ~~Graves Plots~~ must be prepared and subsequently filled in by the Council-appointed Sexton, although a family may seek permission from the Sexton, to partly fill a ~~grave plot~~ following an interment. ~~In relation to the interment of cremated remains only, families may request prior approval from an Authorised Officer to prepare and subsequently fill the grave themselves, provided they do so in accordance with the conditions specified.~~

7.2 All ~~plots graves~~ must be dug to such depths as the Council from time to time by resolution decides, not being less than:

- (a) In the case of a ~~plotgrave~~ for two bodies, 1.8 metres
- (b) In the case of a ~~plotgrave~~ for one body, 1.40 metres
- (c) In the case of a ~~plotgrave~~ for cremated remains, 0.6 metres
- (d) In the case of a ~~plotgrave~~ for a still birth or an infant under two years of age, 1.0 metre

~~7.3~~ No more than two bodies may be ~~interred-buried~~ in any one grave plot or lawn plot and no more than four cremated bodies may be ~~interred buried~~ in any one cremation plot. ~~HOWEVER-However~~ the Council may permit cremated remains to be interred in a grave plot—or a lawn plot where two bodies have already been buried.

~~7.4~~

~~7.5~~ Any excavation that is greater than 1.5m deep and where a hazard exists, must be benched, battered or shored during plot preparation and interment of the deceased.

~~7.37.6~~ A funeral director must be present during any interment in a Grave Plot or Lawn Plot.

## 8. EXCLUSIVE BURIAL RIGHTS

8.1 The exclusive right, in perpetuity, of ~~interment-burial~~ in any ~~grave plot, cremation plot or lawn~~ plot is deemed to be purchased on the issue of a ~~Burial-Interment~~ Warrant.

8.2 Any owner of the exclusive right of ~~interment-burial~~ in any plot in which no ~~previous intermentburial has taken place~~ may, with the consent of Council, and upon payment of any prescribed fee, transfer their right to any other person.

8.3 The pre-purchase of any ~~burial~~ plot other than on the issue of an ~~IntermentBurial~~ Warrant must be at the discretion of the Authorised Officer.

## 9. GRAVE, LAWN AND CREMATION PLOTS

9.1 A plan showing the laying-off and numbering of all plots and any other details as the Council directs from time to time, will be kept in the Council offices and made available for inspection by the public during office hours.

9.2 All ~~grave~~ and ~~lawn~~ plots are to measure 3.0 metres (the length is to include a 600mm wide strip of concrete where provided, as mentioned in Clause 9.3 below) by 1.20 metres, and all ~~cremation~~ plots, are to measure 600mm wide and 1.0 metre long (the length is to include the 400mm of the strip of concrete mentioned in Clause 9.4) and must be laid off, pegged and numbered as the Council may from time to time

direct.

- 9.3 The Council may construct or require to be constructed in **lawn** cemeteries a strip or strips of concrete (berm) of a width of 1.20 metres along the backs of adjoining lawn plots, the cost of which will be included in the purchase price of the plot.
- 9.4 The Council may construct or require to be constructed in areas set aside for the interment of cremated human remains, a strip or strips of concrete of a width of 400mm, along the backs of adjoining **cremation** plots.
- 9.5 The Council may resolve from time to time that any part of any Cemetery be set apart as a Lawn Cemetery.

## 10. MEMORIALS

~~10.1~~ Every plot holder may erect a ~~tombhead~~stone, monument or other memorial on the ~~concrete berm at the head of the plot~~~~strip of concrete forming part of the grave or plot~~, subject to the conditions set out within this clause.

~~10.110.2~~ ~~Before~~ Prior to erecting a ~~tombhead~~stone or other memorial, the Stone Mason or other person planning to erect this shall apply, in advance, to the Authorised Officer for a permit, together with the prescribed fee.

~~10.210.3~~ All costs incurred in the exercise of any right of a plot holder by this clause are at the expense of the plot holder.

~~10.310.4~~ Concrete base work for all memorials must stand no higher than 500mm above whichever is the higher of the highest point of the concrete berm or of the ground level, and may, where required, allow inserts for flower containers.

~~10.410.5~~ On concrete berms a space of 150mm clear of any memorial foundations must be maintained, at both the front and the back.

~~10.510.6~~ No erected memorial on any **grave** plot may be of a greater height in any part than  
1.0 metre, measured from the adjacent general ground level.

~~10.610.7~~ No erected memorial on any **lawn** plot may be of a greater height in any part than  
1.0 metre, measured from the berm; or of greater width in any part than 1.0 metre on a single plot or 2.0 metre on a double plot, or of greater depth in any part than 400mm.

~~10.710.8~~ No erected memorial on any **cremation** plot may be of a greater height in any part than 500mm, measured from the berm; or of greater width in any part than 500mm; or of greater depth in any part than 300mm.

~~10.810.9~~ Except as provided for on the concrete berms, no person may erect, construct, place or establish any ~~tombhead~~stone, monument, garden ornament or other memorial, kerbing, railing, fence, building or other structure on or about any **lawn** or **cremation** plot.

## 11. PLANTING ON PLOTS

- 11.1 No person may plant, sow, place or establish, or cultivate, keep or maintain any tree or plant other than a shrub as defined in Clause 11.2 on or about any **grave** plot.
- 11.2 In this clause 'shrub' means any plant which is commonly considered to be a shrub; and includes a rose bush, a hedge-plant, and any plant of such a nature, as, on maturity, to be of a size commonly regarded as the size of a shrub and no more than 1 metre high.
- 11.3 No person may plant, sow or cultivate any plantings of any type on any **lawn or cremation** plot. This does not include the placement of flowers in any ~~container~~container, or inserts set into the memorial for that purpose.
- 11.4 Shrubs planted in any portion of any Cemetery may at any time be trimmed, removed or cut down by the Council.
- 11.5 No tree may be planted in any Cemetery by any person without the consent of the Council.

## **12. UPKEEP OF MEMORIALS**

- 12.1 All memorials are to be kept in good repair by the purchaser of the plot or their assignee. Subject to the provisions of the Burial & Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials which fall into a state of decay, may at any time be removed from the Cemetery by the order of the Council.
- 12-2 All fences, enclosures, ~~tomb~~headstones, monuments, memorials, and shrubs on any plot, must be kept in proper repair and condition, and in the case of any shrubs and plants, properly cut and trimmed, by and at the expense of the plot holder.
- 12.3 The Council may, from time to time and without notice, enter upon any plot, to repair and maintain any fence, enclosure, ~~tomb~~headstone, monument, memorial, or similar that is not in proper repair and condition, and cut and trim all shrubs and plants that require cutting or trimming.

## **13. REMOVAL OF MONUMENTS**

- 13.1 No person may, without authority, remove from any Cemetery or from any grave plot, any kerb, headstone, monument or tablet.
- 13.2 No person may, without authority, remove or take from any Cemetery, or from any grave plot, any vase, wreath, plant, flower or any other thing, except where the Council requires the removal of any neglected or broken material of this nature.

## **14. VAULTS**

- 14.1 Vaults are not permitted to be erected in any Cemetery.

## **15. DISINTERMENT**

- 15.1 No one may remove any body or the remains of any body after interment, from its burial place without compliance with such conditions as prescribed by the Minister of Health in a licence issued for that purpose, and until the payment of the prescribed fee.

15.2 Where an application for a disinterment is received by the Council, the disinterment must be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964.

## **16. CEMETERY REGISTER AND MARKING OF GRAVES**

16.1 The Council must keep and maintain a Cemetery Register in which the following information will be recorded: -

- (a) The identifying number, which must be allotted to every interment in all Cemeteries, with sufficient information to identify the interred, and in which part of each Cemetery such interment has taken place, with a proper description of the grave or burial-place.
- (b) The full details of every purchase of the exclusive right of interment~~burial~~, including the identifying number or numbers of such plots, the full name and description of the purchaser, the price paid, the date of the purchase and the full name of the deceased.
- (c) Every transfer of any exclusive right of interment~~burial~~, undertaken in accordance with Clause 8.2.
- (d) Any other information that the Council directs from time to time.

16.2 The Cemetery Register must be available for inspection by the public at the office of the Council during normal office hours, and on the Council's website.

16.3 An extract from the Cemetery Register will be provided on payment of the prescribed fee.

## **17. CEMETERY HOURS, HOURS OF INTERMENT AND FREQUENCY OF INTERMENTS**

17.1 All Cemeteries will be open to the public from sunrise to sunset.

17.2 Interments are permitted in all Cemeteries on all days, during the hours of 9.00 am to 5.00 pm.

17.3 Unless authorised by the Authorised Officer no interment may be made in the same Cemetery within one hour of a previous interment.

## **18. VEHICLES AND STOCK IN CEMETERY**

18.1 No person may bring any vehicle whatsoever into any Cemetery:

- (a) other than for:
  - (i) the purpose of attendance at a funeral
  - (ii) visiting a burial place
  - (iii) any Authorised Officer undertaking his or her normal duties
- (b) except with the express permission of the Council.

18.2 No person is permitted to bring any stock into any Cemetery for any purpose, except with the express permission of the Council.

## **19. DAMAGE TO PROPERTY AND VEGETATION**

19.1 No person may directly or indirectly cause any damage to any path, fence, monument, memorial, building, tree, shrub, plant, grass or other property or remove or disturb any marks or pegs in any Cemetery.

19.2 No person may in any Cemetery cut or remove any tree, shrub, plant or flower, except plot holders properly exercising a right in respect of their plot or any Authorised Officer undertaking his or her normal duties.

19.3 No person may level, or remove the mound raised over any grave, damage, or intend to damage any grave.

19.4 Any costs incurred by Council in repairing any damage will be recovered from the person responsible for that damage.

## **20. MISCONDUCT**

20.1 No person may, in any part of any Cemetery, by any violent or improper behaviour, prevent, interrupt or delay a funeral service.

## **21. FIREARMS IN CEMETERY**

21.1 No person may discharge any firearm in any Cemetery, whether for a military funeral or otherwise, without the approval of the Council.