

# **PAPAKURA DISTRICT COUNCIL CEMETERIES BYLAW 2008**

## **1 SCOPE**

- 1.1 The purpose of this Part of the bylaw is to enable Council to control and set standards for the operation of cemeteries within the boundaries covered by Council's responsibility or ownership.
- 1.2 This bylaw is made under Part 8 Subpart 1 of the Local Government Act 2002 and section 16 of the Burials and Cremations Act 1964.

## **2 DEFINITIONS AND INTERPRETATION**

- 2.1 For the purposes of this bylaw the following definitions shall apply:

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

COUNCIL means the Papakura District Council or any officer authorised to exercise the authority of the Council.

DISINTERMENT means the removal of a human body or container of the ashes of a human body from a plot.

PERSON means a natural person and also body of persons, whether corporate or unincorporated.

ROAD the meaning assigned to that term in section 2(1) of the Land Transport Act 1998

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

VEHICLE the meaning assigned to that term in section 2(1) of the Land Transport Act 1998

## **3 USE OF THE CEMETERY**

- 3.1 A person entering or present in a cemetery must not:
- (a) behave in a manner that creates a nuisance or is offensive to any other person;
  - (b) bring into or exhibit in the cemetery any article that is a nuisance or is offensive to any other person;

- (c) except in the case of a guide dog, bring any animal into the cemetery without prior approval from the Council;
  - (d) damage any cemetery property, or damage or interfere with any monument, decoration or the property of any other person;
  - (e) take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, without prior approval from the Council.
- 3.2 Every person driving or in charge of any vehicle in any cemetery must stop or move that vehicle as directed by the Sexton or assistants of the Sexton.
- 3.3 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.
- 3.4 All vehicles must yield unconditional right of way to any funeral procession.
- 3.5 Any person installing or visiting a memorial in a cemetery must withdraw for the duration of an adjoining funeral service.

#### **4 BURIALS AND SALE OF PLOTS**

- 4.1 Burial plots sold by the Council will 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.
- 4.2 No burial will 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.
- 4.3 Burials shall take place in such plots as the Sexton 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.
- 4.4 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. 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 Council officer. The minimum depth of cover for any casket shall be no less than one meter.
- 4.5 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.

#### **5 FEES**

- 5.1 The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.

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

- 6.1 All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to New Zealand Standard for Headstones and Cemetery Monuments NZS4242:1995 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.
- 6.2 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.
- 6.3 The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.
- 6.4 No person may, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.
- 6.5 No monuments other than approved headstones may be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.
- 6.6 All vases and containers for flowers in memorial park cemeteries must be placed in such a manner as approved by the Council.
- 6.7 No person may construct any structure or plaque in a plaque lawn cemetery in such a manner that it projects above the ground immediately adjoining it.
- 6.8 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.
- 6.9 No person may, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except in the case of neglected or broken material.

## **7 SHRUBS AND TREES**

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

## **8 SOLICITING OF ORDERS**

- 8.1 No person may, 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.

- 8.2 Clause 8.1 does not apply in respect of a specific request of the purchaser of a plot or their representatives or their agent.

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

- 9.1 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 Bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

## **10 BURIAL PROVISIONS – RETURNED SERVICES AREA**

- 10.1 Provisions related to the Returned Services area of a cemetery shall be in line with those stipulated in the Veterans Affairs New Zealand Memorials Handbook.

## **11 BURIAL PROVISIONS - CHILDREN**

- 11.1 A Children's Area is set aside for the interment of children, babies and stillborn babies. Children may also be interred in any plot subject to an exclusive right of burial.

## **12 DISINTERMENT**

- 12.1 Where a request for a disinterment and/or a re-interment 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.

## **13 SAFETY**

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

## **14 MONUMENTAL WORK IN CEMETERIES**

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

## **15 POWERS OF THE COUNCIL**

- 15.1 The Council may from time to time by resolution, make rules for the following matters that shall apply to cemeteries:

- (a) the control, management and use of the cemetery;

- (b) determining the days and hours during which the cemetery must be open for burials and cremations;
- (c) subscriptions, fees and charges payable by persons purchasing, transferring or transmitting an exclusive right of burial as well as authorisation fees for any physical works or any other fees and charges for services offered by Council;
- (d) the period during which the exclusive right of burial shall be effective; and
- (e) 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.

15.2 The Council may from time to time prescribe directions and standards for matters such as:

- (a) the placement of decorations
- (b) the information required for the approval of physical works;
- (c) the notification required for a burial or cremation;
- (d) the maximum number of urns that may be buried in a plot;
- (e) the form of the burial warrant, the information to be supplied; and who must complete the burial warrant;
- (f) the style, design, material and size of any physical works associated with any plot, including the wording of any inscriptions so as to ensure conformity within the cemetery or part of the cemetery, and so as to ensure the appropriateness of any inscription, imagery or associated design elements;
- (g) the form of consent required from the holders of the exclusive rights of burial to plots or their assignees;
- (h) the form of Certificate of Purchase issued for any exclusive rights of burial;
- (i) the conditions of any approval to undertake physical works, including methodology, engineering and structural designs;
- (j) the authorisation procedures for suitably qualified persons to undertake physical works in the cemetery;
- (k) the location and dimensions of plots for burials and the deposit of urns and ashes, the minimum depth of cover, the maximum depth of a plot, and
- (l) the required notices of cremation and burial.

## **16 OFFENCES AND PENALTIES**

16.1 Every person who breaches this Bylaw commits an offence and is liable, under section 16(1)(i) of the Burial and Cremations Act 1964 to a fine not exceeding \$100 in any case, and, where the breach is a continuing one, not exceeding \$10 for every day or part of every day during which the breach has continued.