

# Chapter 9: Cemeteries

## Scope

The purpose of this chapter of the bylaw is to provide for the purchase of plots, interment, erection of structures and maintenance of cemeteries.

## Cemeteries

### 900. Interpretation

900.1. This Chapter to be read in conjunction with Chapter 1 – Interpretation.

### 901. Burials and sale of plots

901.1. Burials may be made in any cemetery for the time being vested in the Council or under its control and not closed in a manner provided by law in that behalf subject to the conditions prescribed in this chapter of the bylaw.

901.2. Burial plots may be sold upon such terms and conditions as shall be decided by Council and the exclusive right of burial may be granted in perpetuity.

### 902. Burial plots

902.1. Where the exclusive right of burial for such limited period as Council by resolution decides, has not been purchased and the full purchase price thereof paid, and where the human remains to be buried are not that of a poor person as mentioned in clause 923 hereof, such burial shall take place only upon production to the Council of the appropriate certificate.

### 903. Provisions for all interments

903.1. No burial shall be made in any cemetery without a burial warrant.

903.2. "Out of district fees" shall be payable for the burial of a deceased person who was not residing in the district for the 3 months immediately prior to date of death.

903.3. In all cases of intended burials, the funeral director or person having the management or control of the same shall make application to Council for a warrant for such burial, and shall produce such evidence of death as may be required; Council is authorised to grant the appropriate warrant.

903.4. No burial warrant will be issued until an interment fee has been paid. Provided, however, that in the case of an interment under the management or control of a funeral director, Council may render an account.

903.5. Notification of an intended burial shall be given to Council at least 8 working hours prior to the time fixed for the burial. When a public holiday occurs a lesser time may be agreed.

903.6 Except to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the interment of people who have died from an infectious and / or notifiable disease, interment services shall take place between the hours of 9.00am and 4.00pm on ordinary weekdays. Outside of these times it may be possible to make special arrangements for a burial upon the payment of a prescribed additional fee.

**904. Warrant to be authority**

904.1. The burial warrant, when issued by Council, shall be sufficient authority for burial.

**905. Authorised persons only to dig grave**

905.1. Only persons authorised by Council shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of cover for any coffin shall be not less than one metre, except for natural burials which may have minimal cover of 500mm be set for natural burials unless the Medical Officer of Health or his representative requires another depth.

905.2. Natural burials are defined as chemical free interments (without embalming and using shrouds or coverings or rapidly biodegradable caskets) in a separate area and does not have a traditional headstone or memorial on the grave. Burials may be recorded separately in a book, via approved on-site signage, or digitally. This approach enables natural processes to take place, returning the body's nutrients to the ecosystem rapidly and without pollution.

**906. Burial of ashes**

906.1. Upon application to Council and the payment of any prescribed fees a receptacle containing the ashes of any deceased person may be buried in the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

**907. Fees**

907.1. All fees shall be as Council decides.

**908. Purchase of the exclusive right of burial**

908.1. Every application for the purchase of an exclusive right of burial in any part of the cemetery shall be on the appropriate form.

908.2. No burial shall take place in any plot in respect of which an exclusive right of burial has been granted unless the grantee consents to such a burial.

**909. Purchaser or owner of private ground may transfer**

909.1. The grantee of an exclusive right of burial in any plot in which no burial has taken place may, with the consent of Council, transfer that exclusive right of burial to any other person.

**910. Keeping graves in order**

- 910.1. Council may agree to keep any grave in any cemetery in order upon payment of the appropriate fee.

**911. Fencing, tombstones, etc**

- 911.1. Grantees of an exclusive right of burial in any cemetery other than a Memorial Park cemetery may surround the plots of ground allotted with kerbing or fences in permanent materials that are acceptable to Council.
- 911.2. All foundations for kerbs, fences, tombstones, headstones, monuments, and vaults shall be laid to the satisfaction of Council.

**912. Payment for Right of Burial**

- 912.1. Any application for the purchase of an exclusive right of burial in any plot or ground not previously used for interment shall be made in full at the time of application.

**913. Keeping in order**

- 913.1. All kerbs, fences, headstones and other monuments shall be kept in safe and proper repair by the purchaser of the plot in the first instance and if that purchaser shall be deceased then by the immediate family of the deceased person who is buried in the plot. If after reasonable enquiry no such person or persons can be located then Council will undertake the necessary maintenance.

**914. Shrubs and trees**

- 914.1. Any plants in any portion of any cemetery may at any time be trimmed, removed, or cut down by Council.
- 914.2. No planting shall be undertaken in any cemetery by any person without the consent of Council.

**915. What the fees cover**

- 915.1. Plot purchase fees do not buy any work required to be done in relation to an interment in that plot.

**916. Levelling**

- 916.1. Any person who encloses any plot of ground shall do all levelling work to comply with the requirements of Council.
- 916.2. Every such person shall remove all rubbish and earth not required in the filling in of the grave, or in connection with such levelling from the cemetery to a place approved by the Council.

**917. Vaults**

- 917.1. Any person purchasing an exclusive right of burial in any plot of ground may, by permission of Council, excavate the same up to the boundaries of that plot for the purpose of constructing a vault.

- 917.2. Before any excavation work is commenced in the construction of any vault, the plans and specifications of the work shall be submitted to Council for approval, and no work shall be commenced until such approval has been given in writing.
- 917.3. All vaults shall be lined throughout with either masonry, concrete, or stone set in Portland cement, mortar, or other approved material. The entrance to the vault shall be of such material as shall be approved by the Council. In all cases entrances shall be securely fastened and lockable, and all work in connection with the vault shall be done to the satisfaction of the Council.
- 917.4. A duplicate key of each vault shall be deposited with the Council.
- 917.5. All vaults shall be maintained in a safe and proper order and repair by the owners thereof.
- 917.6. All excess earth and rubbish from the vault excavation and construction shall be removed without delay to a place approved by the Council.

**918. Deposit of materials**

- 918.1. No monumental mason or other person erecting or repairing any headstone, monument, fence, or other work, in any cemetery shall make use of any footpath or other part of a cemetery for a longer time than is reasonably necessary for the purpose of completing such work.
- 918.2. No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in some other approved manner.
- 918.3. Council may construct sheds or other buildings for storage, and may make charges for the use of the same.

**919. Vehicles**

- 919.1. No person shall take any vehicle into any cemetery except between the hours Council decides.
- 919.2. No person shall permit any vehicle to remain in any cemetery without the permission of Council.
- 919.3. No person in control of any vehicle unless authorised by Council shall drive the vehicle on any part of any cemetery except the roads open for vehicular traffic.
- 919.4. No person shall drive or operate any vehicle in any cemetery at a speed greater than 20km / h, or greater than that indicated on any sign within any cemetery.
- 919.5. All vehicles (other than hearses) shall yield an unconditional right of way to any funeral procession in any cemetery.
- 919.6. Every person driving or operating any vehicle in any cemetery shall stop or move such vehicle as directed by the Council or any other officer of Council.
- 919.7. Every person shall drive or operate any vehicle in any cemetery in the direction indicated by traffic signs situated in that cemetery.

**920. Removal of fences, headstones, plants, etc**

- 920.1. No person shall, without authority, remove from any cemetery or from any grave any kerb, headstone, monument, or tablet.
- 920.2. No person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that Council may cause to be removed any neglected, inappropriate or broken or unsafe item of this nature.

**921. Misconduct**

- 921.1. No person shall, in any part of any cemetery, behave in a violent or improper manner, or prevent, interrupt, or delay a funeral service.

**922. Soliciting of orders**

- 922.1. No person shall, in any cemetery, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with any burial plot, kerb, headstone, monument or tablet or any interment service.
- 922.2. Except at the specific request of a purchaser of plots or their representatives, no person shall, in any cemetery, accept or take any such order or custom as aforesaid.
- 922.3. No person shall, without the consent of the funeral director, or a special permit in writing for the occasion issued by Council, attend any funeral for the purpose of taking photographs or capturing images for commercial purposes.

**923. Interment charges - poor persons**

- 923.1. Where an application is made to Council for an interment of any deceased poor person at reduced charges, the applicant shall, on making such application, furnish to Council a certificate duly signed by him / her certifying that the deceased person has not left sufficient means to pay the ordinary charges of interment.

**924. Deceased servicemen**

- 924.1. Notwithstanding anything to the contrary contained in this chapter of the bylaw, in the case of an application by the War Graves Branch of the Department of Internal Affairs for the disinterment of any deceased serviceman and the subsequent re-interment in the War Graves section of the cemetery, the fees payable shall be as may be agreed upon between Council and the War Graves Branch of the Department of Internal Affairs from time to time.

**925. Disinterment**

- 925.1. Where an application for a disinterment is received by Council, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 or the relevant section of any subsequent legislation and shall be subject to the payment of such fees as imposed by Council resolution.

**926. Vases or containers**

- 926.1. All vases or containers for flowers shall be housed in insets set into the base or kerb behind any mowing strip on which the memorial is placed and shall not be made of glass.

This shall not apply in the RSA section of any cemetery except that no vases shall be located on the mowing strip.

**Memorial Park (Berm or Garden) Cemeteries**

**927. Interments**

- 927.1. Interments may be made from time to time in ground in the cemetery set apart by Council for the purpose of a Memorial Park and shown on a plan prepared by Council, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by Council, and no kerbings shall be erected anywhere within the precincts of such Memorial Park cemetery.

**928. Purchase of allotments**

- 928.1. Any person may upon payment of the prescribed fees purchase allotments in any Memorial Park cemetery. The number of plots to be sold at any one time shall be at the discretion of Council.

**929. Erection of memorials**

- 929.1. No person may construct, create or place any headstone, plaque, fence, kerb or other enclosure on a grave unless it is approved by Council and any prescribed fees have been paid.
- 929.2. Council may construct a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability. The cost of the platform shall be included in the purchase price of the plot.
- 929.3. Concrete based work for all memorials shall not stand higher than 500mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall, where required, allow insets for flower containers.
- 929.4. On surface berms (or platforms) a space of 50mm excluding the mowing strip, clear of such memorial foundation base shall be maintained, both front and back.
- 929.5. No erected memorial shall, at the head of any plot, be higher than 1.50m from the centre point of the berm. Such memorial shall be acceptable to Council and will comply with the appropriate New Zealand Standard.
- 929.6. No erected memorial shall be of any material other than granite or concrete, or a suitable material approved by Council. Concrete shall be finished in grey or white cement only.
- 929.7. In constructing bases and erecting memorials, the adjoining roads, paths or allotments shall not be damaged.

929.8. All memorials shall be maintained in good and safe repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which fall into a state of decay or disrepair, may at any time be removed from the cemetery by Council, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.

**930. Vaults, and bricks or walled-in graves**

930.1. No vaults or brick or walled-in graves above ground shall be constructed in a Memorial Park cemetery except in such part or parts as may be set aside for such purpose by Council.

**931. Floral tributes**

931.1. Flowers, wreaths and floral tributes may be placed on graves at the time of interment. After the lapse of seven days from the date of the interment Council may remove these tributes and dispose of them.

**932. Ornaments**

932.1. No inappropriate ornaments may be placed in a Memorial Park cemetery.