



Hauraki District Council Consolidated Bylaw

PART 6: (CEMETERIES)

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PART 6: (CEMETERIES)

PROPOSED BYLAW PART

Purpose

The purpose of the Part 6 (Cemeteries) is to provide for:

- The protection of the water supply;
- The conditions of supply of water by the Council;
- Provision through schedules of standards for connection to the water supply system of the Council;

Part 6 (Cemeteries) is part of the Hauraki District Council Consolidated Bylaw. Part 1 (Introduction) of the Consolidated Bylaw contains provisions that apply to Part 6 (Cemeteries) by providing generally applicable definitions, administrative measures and enforcement measures.

1.0 INTRODUCTION

1.1 SCOPE

The purpose of Part 6 (Cemeteries) of the Bylaw is to enable the Council to control and set standards for the operation of cemeteries within the boundaries covered by the Council's responsibility or ownership.

1.2 TITLE

This Part shall be known and cited as the Part 6 (Cemeteries) of the Hauraki District Council Consolidated Bylaw 2007 and shall come into operation on the date specified by public notice after the Hauraki District Council makes this Bylaw. For expediency this Part of this Bylaw may be referred to in this or other Parts of this Bylaw as Part 6 (Cemeteries).

1.3 ENABLING ENACTMENTS

This Part is made pursuant to section 146(b)(v) of the Local Government Act 2002 and section 16 of the Burial and Cremation Act 1964. Nothing in this 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) Health (Burial) Regulations 1946.

2.0 DEFINITIONS AND INTERPRETATIONS

2.1

The provisions of the Part 1 (Introduction) shall apply to this Part of the Bylaw.

2.2

For the purposes of this Part 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.

MONUMENT has the same meaning as in section 2 of the Burial and Cremation Act 1964 but shall include any full grave cover or surround.

SEXTON means any person appointed by the Council as Sexton to manage the day-to-day activities of any cemetery.

3.0 BURIALS AND PURCHASE OF EXCLUSIVE RIGHTS OF BURIAL

3.1

Burials 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.

3.2

The exclusive right of burial shall be granted to the purchaser of a plot once the Council has received payment of the prescribe fees for the use of the plot. Where the Council's requirements for the granting of the exclusive right of burial have been met it shall issue a Certificate of Right of Burial to the applicant.

3.3

Burials shall take place in such plots as the Council shall determine and no monument or tablet shall be erected on the plot unless the exclusive right of burial has been purchased and all the prescribed fees relating to the burial have been paid in full.

3.4

No person other than the Sexton or his assistants 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 1 metre.

3.5

Upon application and payment of the prescribed fees, the receptacle or 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 the approval of the holder of the exclusive right of burial for that plot.

4.0 FEES

4.1

The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees for all services provided for the operation and maintenance of cemeteries under its jurisdiction.

4.2 OUT OF DISTRICT FEES

4.2.1

An Out of District fee shall be payable under the following circumstances:

- (a) Where the burial is of a deceased person who was not a resident or rate payer of the district for at least twelve months prior to date of death; or
- (b) Where the deceased person is a child of less than twelve months of age, including stillborn children, unless one of whose parents was a resident or ratepayer of the District for at least twelve months prior to date of death.
- (c) A person in a hospital or institution in the district shall be deemed as resident in the District if he or she has been a resident of the hospital or institution longer than twelve months

4.2.2

Temporary absences of short duration from the district will not detract from the resident status of the deceased person.

4.2.3

The Council will determine if payment of any out of district fees are required.

5.0 BURIAL WARRANTS

5.1

No burial shall be made in any cemetery without a burial warrant for that purpose, obtained by the funeral director or person having the management or control of the burial from the Council and presented to the sexton as authority for burial.

5.2

The application for a burial warrant shall be delivered to the Council at least two working days before the burial.

6.0 SERVICES AND BURIALS

6.1

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

6.2

Burial may take place between the hours of 10.00 a.m. and 03.00 p.m. from Monday to Saturday inclusive.

6.3

Burials may take place at other times and days by arrangement with the Council and on payment of any prescribed additional fee. No burials shall take place on Christmas Day, Good Friday and Anzac Day.

7.0 ERECTION AND MAINTENANCE OF MONUMENTS

7.1

All monuments and tablets shall be installed to the standard described in NZS 4242 and kept in good order or repair by the purchasers of the plots or their agents. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulation 1967, the Council may remove any installations of any kind that shall fall into a state of disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

7.2

The construction of above ground vaults is not permitted in any cemetery under the control of the Council.

7.3

The Council may carry out regular audits of monuments and tablet to ensure their safety.

7.4

No person shall without the written permission of the Council remove from any cemetery or grave any monument or tablet.

7.5

No monument or tablet other than those approved by the Council shall be erected within the precincts of a cemetery. Any monument or tablet must comply with the requirements of the Council.

7.6

All vases and containers for flowers in cemeteries shall be placed in such a manner as approved by the Council.

7.7

No person shall place any kerbing, fencing or other erection on the grassed part of any grave in a lawn cemetery.

7.8

Any monument in a lawn cemetery must consist of permanent material, be of an approved size and set in an appropriate position with all the inscriptions relating to the persons buried in each plot to be on the one monument.

7.9

The installation of monuments or tablets or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.

7.10

No person shall, without the authority of the Sexton, remove or take from any grave, 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.

8.0 WORK PRACTICES

8.1

No person erecting or repairing any cemetery memorial or carrying out other work in any cemetery shall use any footpaths or other part of the cemetery for placing or depositing there, any tools, planks or materials for a longer time than is reasonably necessary to complete the work.

8.2

Any person installing or attending a monument or tablet or carrying out any other work in a cemetery shall withdraw for the duration of a nearby funeral service. Such person shall also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.

8.3

Any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed either from the cemetery or to a place within the cemetery approved by the sexton.

9.0 VEGETATION

9.1

No tree or shrub shall be planted in any part of any cemetery without the prior consent of the Council.

9.2

No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of the Council.

10.0 VEHICLES

10.1

Unless authorised by the Council, no person shall take any vehicle of any kind into any cemetery except during the hours of daylight.

10.2

Within cemeteries, vehicles may only be driven on access ways which are open to vehicular traffic and park only in designated parking areas.

10.3

Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or other authorised officer.

10.4

All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

10.5

Any person driving a vehicle in a cemetery shall obey all signs or notices concerning traffic movement and parking displayed in that cemetery.

10.6

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. In the absence of speed limit signs, no vehicle may be driven at a speed greater than 5 kilometres an hour in any cemetery.

11.0 SOLICITING OF ORDERS

11.1

No person shall, within any cemetery advertise or solicit any order from any other person for any work in connection with a cemetery or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any cemetery.

11.2

Except at the specific request of the purchaser of a plot or their agent, no person shall, in any cemetery accept or take any order of custom as aforesaid.

11.3

No person shall without the consent of the funeral director or other person responsible for the funeral take any photographs or moving images at a funeral.

12.0 BURIAL OF POOR PERSONS

Where application is made to the Council for the interment of a deceased poor person, the applicant shall provide an order signed by a Justice of the Peace, certifying that:

- (a) Such deceased person has not left sufficient means to pay the prescribed fee; and
- (b) The cost of burial is not covered by an Accident Compensation or Government entitlement or subsidy; and
- (c) The deceased person's relatives and friends are unable or unwilling to pay the same.

13.0 SAFETY

No person, other than the sexton or his assistants or any other person duly authorised by the sexton shall fill in any grave.

14.0 MISCONDUCT

14.1

No person shall unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any cemetery.

14.2

No person will bring into or exhibit in any cemetery or crematorium any article that is a nuisance or is offensive to any other person

14.3

A person entering or present in a cemetery shall not behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person.

15.0 ANIMALS

15.1

Except with the prior written permission of the Council, no person shall allow any animal into any cemetery unless that animal is:

- (a) a domestic animal, as defined in section 2 of the Dog Control Act 1996.
- (b) a disability assist dog pursuant to section 2 of the Dog Control Act 1996.

15.2

Every person in control of any animal in a cemetery must ensure it is kept in a manner that the animal does not create nor is likely to create a nuisance to any person in the cemetery.

16.0 OFFENCES AND PENALTIES

Every person who fails to comply with this Part of this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act, Part 1 (Introduction) of this Bylaw and the other enabling enactments contained in clause 1.3 of this Part of this Bylaw.

In compliance with the provisions of the Local Government Act, 2002 and the Bylaws Act, 1910, this Part of the Bylaw is passed by the Hauraki District Council on 30 January, 2008.

THE COMMON SEAL of the HAURAKI DISTRICT COUNCIL was affixed on this 4th day of February in the presence of

Mr. John Tregidga, Mayor

Mr. Langley Caver, Chief Executive