

# TARARUA CEMETERIES BYLAW 2018

## 1 PRELIMINARY PROVISIONS

- 1.1 This Bylaw is the Cemeteries Bylaw as reviewed from the 2008 Consolidated Bylaw.
- 1.2 This Bylaw is made under the:
- a. Local Government Act 2002; and
  - b. Burials and Cremations Act 1964.

*Explanatory Note: The Council has additional powers to manage and administer Cemeteries and the activities therein under the Burial and Cremation Act 1964, the Burials and Cremations (removal of Monuments and Tablets) Regulations 1967, and the Health (Burial) Regulations 1946. The Council does not operate a crematorium. The Cremation Regulations 1973 regulate the operation of crematoria.*

## 2 PURPOSE

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

## 3 COMMENCEMENT

- 3.1 This Bylaw comes into force on 5 November 2018

## 4 DEFINITIONS AND INTERPRETATION

- 4.1 The provisions of the Administration Bylaw 2008 and its amendments are implied into and form part of this Bylaw.
- 4.2 For the purposes of this bylaw the following definitions shall apply:

CEMETERY has the same meaning as that term has under section 2(1) of the Burial and Cremation Act 1964 and includes all such places owned or controlled by the Council.

MANAGER means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery under the jurisdiction of the Council and to carry out burials as provided in this Part of the bylaw.

OBJECTIONABLE has the same meaning as in section 3 of the Films, Videos and Publications Classification Act 1993.

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

TRIBUTES means any funeral wreaths, flowers and other items left by members of the public to commemorate people who are buried in cemeteries.

- 4.3 Nothing in this Part of the 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. Cremation Regulations 1973;
  - d. Health (Burial) Regulations 1946.

- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.

## **5 BURIALS AND SALE OF PLOTS**

- 5.1 Burial 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.
- 5.2 No burials shall 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.
- 5.3 Burials shall take place in such plots as the Manager 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.
- 5.4 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. The minimum depth of cover for any casket shall be no less than one metre.
- 5.5 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.

*Explanatory Note: The Burials and Cremations Act 1964 requires Councils to have a cemetery; that Act also establishes the requirements for operating a cemetery, including the period for which rights to a burial plot may be conferred, and special provisions for the interment of armed services personnel.*

## **6 FEES**

- 6.1 The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries.
- 6.2 "Out of District" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the

district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Manager appointed by the Council shall determine in each case whether an “out of districts” fee is applicable.

## **7 HOURS OF OPERATION**

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

## **8 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC**

- 8.1 All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242:1995 Headstones and cemetery monuments 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.
- 8.2 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.
- 8.3 The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.
- 8.4 No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.
- 8.5 No structures other than approved memorials shall be erected within the precincts of a memorial park cemetery.
- 8.6 Applications for approval to erect a memorial must include the:
- a. Plans, materials and dimensions of the memorial, and
  - b. Full proposed wording of the proposed epitaph or inscription or graphics.
- 8.7 The Council will approve the wording, epitaph or graphics proposed for a memorial:
- a. Provided that such wording, epitaph or graphics is not deemed objectionable, but, if it is deemed objectionable.
  - b. Shall advise the reasons why the wording, epitaph or graphics are deemed objectionable and endeavour to reach agreement on more suitable words, epitaph or graphic.
  - c. Should efforts to reach agreement fail, the Council may decline approval to erect a memorial.
- 8.8 Any memorial must comply with the construction requirements of the Council.

- 8.9 No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part therefore shall project above the ground immediately adjoining it.
- 8.10 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.
- 8.11 No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, 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.

## **9 TRIBUTES**

- 9.1 All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.
- 9.2 Tributes may be placed on the soil of a Plot within the Cemetery but must be removed within six-months of a burial.
- 9.3 In all other cases Tributes may only be left in containers placed on the memorial or the concrete beam of a Plot.
- 9.4 Council Officers may remove and dispose of any:
- a. Tributes that breach clauses 9.1 and 9.2; and
  - b. Neglected, unsafe or broken containers.

## **10 SHRUBS AND TREES**

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

## **11 VEHICLES**

- 11.1 Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- 11.2 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.
- 11.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 11.4 Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

## **12 MISCONDUCT**

No person may:

- a. Prevent, interrupt or delay any burial in a Cemetery;
- b. Cause a Nuisance or annoyance to people lawfully in or approaching a Cemetery;
- c. Damage, deface or interfere with any Plot, Tribute, structure or property within a Cemetery;
- d. Consume any alcohol in a Cemetery; or
- e. Enter any Cemetery during Hours of Darkness.

## **13 SOLICITING OF ORDERS**

13.1 No person shall, 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.

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

13.3 No person shall without the consent of the funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

## **14 DECEASED SERVICEMEN**

The fee payable to the Council for the disinterment of any deceased servicemen and the re-interment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

## **15 DISINTERMENT**

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.

## **16 SAFETY**

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

## **17 MONUMENTAL WORK IN CEMETERIES**

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

## **18 RECORDS**

- 18.1 Burial and cremation records for cemeteries administered by Council are available on the Tararua District Council website keyword “cemetery” or, without fee, at the Council offices during business hours on weekdays.
- 18.2 Cremation records will be stored in accordance with the Cremation Regulations 1973.
- 18.3 The Council must keep a record of all Plot Certificates and all burials.

## **19 OFFENCES**

Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- a. A fine pursuant to the Local Government Act 2002; and
- b. Any other penalty specified in another Act for the breach of that Bylaw.

*Explanatory Note: This clause should be read in conjunction with the Administration Bylaw 2018.*

*This Bylaw was made by the Tararua District Council by resolution at a council meeting on 31 October 2018 and must be reviewed within five years.*

*Sealed with the Common Seal of the  
Tararua District Council  
In the presence of:*

[SEAL]

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**Mayor**

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**Chief Executive**