



Cemeteries Bylaw 2024

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1 Cemeteries Bylaw

- 1.1 This Bylaw is named Cemeteries Bylaw, as reviewed from the Tararua Cemeteries Bylaw 2018.
- 1.2 This Bylaw is made under section 145 of the Local Government Act 2002 and section 16(1) of the Burial and Cremation Act 1964 and any amendments and will be known as the Tararua District Council Cemeteries Bylaw 2024.

2 Commencement

- 2.1 This Bylaw comes into force on XXXXXXXXX
- 2.2 This Bylaw applies to the district of Tararua District Council.

3 Purpose

- 3.1 The purpose of this Bylaw is to provide for the efficient management and maintenance of cemeteries under Council's control.
- 3.2 This Bylaw provides regulations for the public, in terms of the following:
- Provisions for interments;
 - Fees;
 - Activities in cemeteries;
 - Digging of graves; and
 - Tombstones, headstones, and monuments.

4 Interpretation

- 4.1 In this bylaw:

Act means *the Burial and Cremation Act 1964* and any subsequent amendments.

Authorised Agent means any agent recognised as such by the Council through contractual obligations.

Authorised Officer means any person appointed by the Chief Executive of the Council for the purposes of acting as an Authorised Officer under this Bylaw.

Ashes mean the cremated remains of a deceased person.

Body means a dead human body and includes the body of a stillborn child.

Burial means the action or practice of interring a dead body or its ashes.

Burial Warrant means a written approval from Council issued to an Authorised Agent as authority for interment.

Cemetery or Cemeteries has the same meaning as under section 2(1) of the Act and generally means any public cemetery owned or controlled by the Council.

Disinterment or Disinter means to remove any body, the remains of any body, or ashes from their burial place in a cemetery.

Disinterment Warrant means a written approval from Council issued to an Authorised Agent as authority for disinterment.

Grave Decorations means any items left at the plot in any section of a cemetery that has been designated for grave decorations.

Interment or Interred means burial of a human body or ashes into a plot.

Manager means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery.

Monument includes any tombstone, headstone, memorial, kerbing, or other erection.

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

Parking means stopping or standing of any vehicle, whether attended or not.

Permit means a written approval from the Council that authorises a person or entity to clean, repair, install or remove a monument in any part of any cemetery.

Plot means a specified area set aside for the burial of a casket, coffin, or ashes.

Plot Holder means a person who has been allocated an exclusive right of burial for a plot within a cemetery.

Services Section means any section of a cemetery that has been designated for the burial of military veterans.

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

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

4.2 Nothing in this bylaw shall derogate from any provision of, or the necessity for compliance with, the:

- Burial and Cremation Act 1964
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967

- Cremations Regulations 1973
- Health (Burial) Regulations 1946

Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

5 Council's Management of Cemeteries

- 5.1 Council may set aside or designate from time to time, by resolution, specific areas within cemeteries for certain uses, including a Services Section, lawn cemeteries, gardens of remembrance, memorial gardens, and memorial ashes gardens.
- 5.2 Any monument erected within the cemetery must comply with any conditions specified for that area within the cemetery, as specified in this Bylaw, and stated in any Permit issued.

6 Interment

- 6.1 No interment may occur in any Cemetery without Council's prior issuing of a Burial Warrant.
- 6.2 An interment must only take place:
- a) In a specific plot where proof of purchase of the exclusive right of burial has been provided; or
 - b) In a plot allocated by Council if an exclusive right of burial has not been purchased.
- 6.3 Other than an Authorised Agent, a person must not dig any grave in or open the ground for the interment of human remains or ashes in any part of any cemetery.
- 6.4 Applications for a Burial Warrant under clause 6.1 must:
- a) be made at least 48 hours ahead of the intended interment (although exceptions may be available from Council for specific situations such as on religious grounds);
 - b) be on the relevant prescribed form (available on Council's website); and
 - c) be accompanied by the payment of any fee set out in Council's Schedule of Fees and Charges from time to time.
- 6.5 Requests to fill in the grave by families attending the interment must be made to Council on the Burial Warrant application form.
- 6.6 Interments are for one body per plot unless specifically authorised by the Council.

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- 6.7 Requests for a plot that allows up to two body Interments must be made to Council at the time of applying for the Burial Warrant.
- 6.8 Subject to clause 5.1 above, all Interments in the Services Section of any cemetery must comply with the requirements set out by Veterans' Affairs New Zealand for the conduct of such Interments.
- 6.9 Scattering of ashes is only permitted in designated areas and must be authorised by Council.

7 Disinterment

Disinterment of Human Remains

- 7.1 Any disinterment of human remains (either buried or cremated) must be carried out in accordance with section 51 and section 55 of the Act; and any applicable guidelines from the Ministry of Health.
- 7.2 The applicant must obtain a licence from MidCentral Health prior to the disinterment of a body or the remains of a body.
- 7.3 A Disinterment Warrant is required from Council prior to the disinterment of human remains.
- 7.4 An application for a Disinterment Warrant for human remains must include:
- (a) The necessary certifications under the Act; and
 - (b) The relevant prescribed form (available on Council's Website); and
 - (c) Payment of the fees prescribed in Council's Schedule of Fees and Charges from time to time.
- 7.5 Should it be necessary in any Cemetery to carry out the work of reopening a plot covered over with concrete or similar permanent material other than earth, no liability will attach to the Council for any costs or damage done in consequence of such reopening.

Explanatory Note:

Council recommends that any application for the disinterment of a body, or remains of any body, buried in a cemetery, be made by a registered funeral director.

8 Exclusive Right of Burial

Purchasing an Exclusive Right of Burial

- 8.1 Council may sell exclusive rights of burial in accordance with section 10 of the Act.

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- 8.2 Council will only sell an exclusive right of burial for a plot in the following circumstances:
- a) For burial in a cemetery of a recently deceased person or for the interment of ashes; or
 - b) For a plot or plots that are immediately adjacent to a plot sold under (a) for the interment of a family member of the deceased person; or
 - c) At any time, with a maximum of no more than 2 plots to be sold unless authorised by Council.
- 8.3 The term of the exclusive right of burial shall be for 60 years unless otherwise specified by Council at the time an exclusive right of burial is sold.
- 8.4 Requests seeking authority to purchase an exclusive right of burial must include:
- a) The relevant prescribed form (available on Council’s Website); and
 - b) Payment of the fees prescribed in Council’s Schedule of Fees and Charges, reviewed from time to time.
- 8.5 Once an exclusive right of burial has been paid in full, Council will issue the plot holder an exclusive right of burial certificate as proof of authority.
- 8.6 Exercise of an exclusive right of burial will require the plot holder to provide evidence of that right to Council (a copy of the exclusive right of burial certificate). Where the plot holder is deceased and unable to expressly authorise the use of the plot for interment, the evidence of the right to use the plot and the application may be made by the family of the plot holder or their representative.
- 8.7 Council will allow a plot holder of an exclusive right of burial, or their representative, to transfer that right to another family member, subject to approval by Council.
- 8.8 Applications to cancel an exclusive right of burial by the plot holder will be subject to a fee as prescribed in Council’s Schedule of Fees and Charges, reviewed from time to time.
- 8.9 The plot holder must notify the manager of any change in address.

Lapse of an Exclusive Right of Burial (Plot Reservation)

- 8.10 Where an exclusive right of burial has lapsed or is due to lapse under section 10(4) of the Act (i.e. because 60 years has passed without a burial taking place in that plot), Council may inform the plot holder and offer the plot holder the opportunity to renew the exclusive right of burial on the reserved plot.

Explanatory Note:

Where Council has made reasonable attempts to contact the plot holder without success, Council will continue to hold the plot in reserve for a period of twelve months from the date of the last attempted contact with the Plot Holder or the lapse date (whichever is the later). If after this there is no response from the plot holder, Council will deem the plot to be available for use or resale.

- 8.11 If the plot holder wishes to renew the exclusive right of burial, Council will issue a new certificate to the plot holder with a revised lapse date.
- 8.12 Where the plot holder does not wish to renew an exclusive right of burial over the reserved plot, Council will make the plot available for use or resale and the former plot holder will be provided with a letter acknowledging that the exclusive right of burial has lapsed.

9 Work in Cemeteries

- 9.1 Any work, construction, or activity in any Cemetery that is not associated with monumental or lawn conversion work requires Council's prior written approval.
- 9.2 Council may attach to any written approval issued under clause 9.1 any terms and conditions as it considers appropriate. The holder of Council's written approval must comply with any terms and conditions imposed by Council under this clause.
- 9.3 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of Council.

10 Monuments

- 10.1 A permit is required from Council for lawn conversion work and the erection, alteration, repair, or removal of monuments in any cemetery. To be clear, no monumental masonry work may commence until the council has granted such a permit, which is also required for any monumental work including alternations or modifications being undertaken in a council cemetery, to ensure the headstone is placed on the correct plot and also to ensure they adhere to specifications in this Bylaw. Owners of burial rights, or if deceased, the immediate next of kin, may give permission for a monument to be erected, or an additional inscription to be added to an existing monument. Typically, a monumental mason applies for the permit on behalf of the burial rights owner / next of kin.
- 10.2 Applications for a permit under clause 10.1 must include:
- a) Proof of the exclusive right of burial for the plot;
 - b) The plans for the monument or alterations to an existing monument including the materials to be used and the dimensions.
 - c) The relevant prescribed form (on Council's website).

- d) The wording of any proposed epitaph or inscription and associated graphics; and
- e) Payment of the fees prescribed in Council's Schedule of Fees and Charges and reviewed from time to time.

10.3 When considering a permit application submitted under Clause 10.1 Council will have regard to the following considerations and may grant the Permit subject to any appropriate terms and conditions as determined by Council:

- a) The permit application was filed by the family's representative, or the monumental mason commissioned by the family or the family's representative.
- b) The payment of all outstanding fees relating to the purchase of a burial warrant for the plot that is the subject of the permit application (refer to clause 6.4).
- c) Any proposed wording or graphics on the monument are acceptable to Council.
- d) The foundations and any works described on the plan must comply with either:
 - (i) *NZS 4242:2018 Headstones and Cemetery Monuments* or its amendments, and the headstone specifications set out in Schedule 1;
 - (ii) The specifications set out in Schedule 1; or
 - (iii) The requirements of Veterans' Affairs New Zealand in the case of monuments in the services section of the cemetery.
- e) The monument is constructed of granite or some other material approved by Council.
- f) The application is only for a plaque if the Plot is located in the columbarium walls or memorial walls.

10.4 Where a permit has been granted under clause 10.1, such work must be completed in accordance with the terms and conditions of the permit, to the satisfaction of Council. The installation must also be completed in accordance with the requirements of the Health and Safety at Work Act 2015.

10.5 All Monuments approved for installation by a permit must display the installer's identification mark visible on the monument.

10.6 Council may, at its discretion, remove and dispose of any unauthorised monuments, works, structures or installations associated with any plot(s).

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- 10.7 Any monument which in the opinion of Council is offensive, may be removed at the direction of Council.
- 10.8 Any authorised person erecting or maintaining any monument must remove all excess materials, tools and equipment from the cemetery on completion of the works and leave the site in a tidy state.
- 10.9 Any temporary marker must be removed once a permanent monument is erected. If Council considers that a temporary maker has fallen into a state of disrepair, it may be removed.

11 Tributes

- 11.1 Tributes may be placed on the soil of a plot within the cemetery but must be removed within three months of an interment.
- 11.2 Tributes are solely the responsibility of plot owners.
- 11.3 Tributes that are intended to remain beyond three months of an interment must be left in containers placed on the monument or the concrete beam of a plot.
- 11.4 Tributes must not inhibit the proper maintenance, use or operation of the Cemetery or other plots.
- 11.5 Tributes must not be likely to cause a nuisance or likely to constitute a hazard.

Explanatory Note:

The “concrete beam” of a plot is the beam for setting the monument and bases on.

- 11.6 Council Officers or an Authorised Agent may immediately remove and dispose of any:
- a) Tributes that breach this Bylaw;
 - b) Neglected, broken or unsafe tributes or broken vases or containers;
 - c) Tributes deemed by a Council Officer or Authorised Agent to be offensive, unsightly or inappropriate.
- 11.7 Shrubs or trees must not be planted in any cemetery by any person without the Council’s prior approval.
- 11.8 No person is permitted to decorate any plot that has not been used for interment.

12 Grave Decorations

- 12.1 Council may set aside an area of a cemetery specifically for the purpose of accepting Grave Decorations. Grave Decorations may only be left on plots in such an area in

accordance with Council's procedures and guidelines and this Bylaw and are subject to prior approval from an Authorised Officer.

- 12.2 Grave Decorations and plots in areas set aside for Grave Decorations are solely the responsibility of plot owners.
- 12.3 Grave Decorations and plots in areas set aside for Grave Decorations must be kept in good order and repair at all times.
- 12.4 No person is permitted to decorate any plot that has not been used for interment.
- 12.5 Grave Decorations must not inhibit the proper maintenance, use or operation of the Cemetery or other plots.
- 12.6 Grave Decorations must not be likely to cause a nuisance or likely to constitute a hazard.
- 12.7 Council Officers or an Authorised Agent may immediately remove and dispose of any:
- a) Grave Decorations that breach this Bylaw;
 - b) Neglected, broken or unsafe grave decorations or broken vases or containers;
 - c) Grave Decorations deemed by a Council Officer or Authorised Agent to be offensive, unsightly or inappropriate.
- 12.8 Shrubs or trees must not be planted in any cemetery by any person without the Council's prior approval.

13 Maintenance of Cemeteries

- 13.1 The family of the deceased must keep all enclosures, headstones, vaults, kerbs and other monuments associated with the plot in good order and repair.

Explanatory Notes:

The Council may remove and dispose of any structure or installation in a cemetery that falls into disrepair or neglect or poses a danger to the public under the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

Council is obligated under the Act to maintain cemeteries in a safe, clean, and orderly condition.

14 Other Types of Burials

- 14.1 Council may set aside an area of a cemetery specifically for the purpose of accepting other types of burials, including but not limited to natural burials. If such an area is created, the provisions set out in Schedule 2 of this Bylaw will apply.

15 Operating Hours

- 15.1 Council's standard operating hours for Interments are Monday to Friday between 9.00 am to 5.00 pm. Interments and other funeral activities that are on a Saturday will incur additional fees, as outlined in Council's Schedule of Fees and Charges from time to time.
- 15.2 Interments on a Sunday or public holiday (other than those listed in clause 15.3 below) will incur additional fees, as outlined in Council's Schedule of Fees and Charges from time to time.
- 15.3 Interments and any other funeral activities may not take place on Easter Sunday, Anzac Day, Christmas Day, Boxing Day, or New Years' Day.

16 Vehicle Use in Cemeteries

- 16.1 A person must not drive or park any vehicle outside of formed driveways and parking areas in any cemetery unless they have the Council's prior approval.
- 16.2 A person must not drive any vehicle in any cemetery at a speed exceeding either:
- a) 20 kilometres per hour; or
 - b) any other maximum speed stated by any sign erected by the Council.
- 16.3 Vehicles not already involved in a funeral procession in a cemetery must give right of way to any funeral procession.
- 16.4 Every person driving or parking any vehicle in any cemetery must stop or move the vehicle if directed by the Manager in charge of the cemetery.
- 16.5 Any person driving any vehicle in a cemetery must only drive in accordance with and in the direction indicated by signs posted by the Council for that purpose.

17 Misconduct in Cemeteries

- 17.1 When in a cemetery, a person must not advertise or solicit custom for any work to be done in or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be placed or used in any cemetery.

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- 17.2 Commercial photographers must not attend any funeral or other ceremony for the purpose of taking photographs or other images except with the consent of:
- a) the funeral director in charge of the interment; and
 - b) the family of the person being interred.
- 17.3 No person may:
- a) prevent, interrupt or delay any Interment 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, monument, installation or property within a cemetery; or any land or building located within a cemetery.
 - d) dig any ground or disturb any vegetation without Council’s prior approval.
 - e) fly an unmanned aerial vehicle in or over a cemetery without Council’s prior approval.

18 Fees

- 18.1 Council may by resolution fix fees and charges for any activity the Council reasonably undertakes in relation to the operation and management of a cemetery. These may include, but are not limited to, fees and charges for:
- a) Interment and disinterment.
 - b) Exclusive right of burial.
 - c) Permits for lawn conversion work and the erection, alteration, repair or removal of monuments and memorials.
 - d) Manual record searches.
- 18.2 “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 period of ten years, which does not have to be the preceding ten years before death. 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.

Explanatory Note:

All fees and charges for cemetery activities are contained in Council's Schedule of Fees and Charges and are reviewed from time to time.

19 Records

- 19.1 Council will keep accurate records regarding its cemeteries.
- 19.2 Any interments within any cemetery must be registered according to section 50 of the Act.
- 19.3 Council will keep a record of any exclusive right of burial issued over plots in any cemetery.
- 19.4 Any person holding an exclusive right of burial must notify the Manager of any change in address.
- 19.5 Interment and cremation records for cemeteries controlled by Council will be available on the Tararua District Council website.

Explanatory Note:

Changes in address should be directed to the Manager of Council's cemeteries by email at cemeteries@tararua.govt.nz. Burial records for all the cemeteries controlled by the Council are available on the Tararua District Council website.

20 Offences

- 20.1 Every person who breaches this Bylaw commits an offence and is liable to pay:
 - a) the maximum fine set out in the Local Government Act 2002 and Act; and
 - b) any other penalty specified in another Act for the breach of the Bylaw.

21 Repeals, Savings and Transitional Provisions

- 21.1 The Tararua District Council Cemeteries Bylaw 2018 is repealed on commencement of this Bylaw.
- 21.2 Every consent, exemption or approval granted under the Tararua District Council Cemeteries Bylaw 2018 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval issued under this Bylaw, but:
 - a) expires on the date specified in that consent, exemption, or approval; or

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- b) where no expiry date is specified, expires 12 months after the commencement of this Bylaw; and
 - c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Tararua District Council on 2024.

THE COMMON SEAL of the TARARUA DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

_____ **Mayor**

_____ **Chief Executive**

Schedule 1 – Headstone and Monument Regulations

Monuments must be erected subject to conditions and restrictions specified by the Council.

General Conditions and Restrictions

- (1) The construction of any headstone or monument must be in accordance with NZS4242:2018 Headstones and Cemetery Monuments.
- (2) Any headstone or other monument which is in the opinion of the Council offensive either as to itself or as to any material which may be inscribed or otherwise placed thereon, may be removed by direction of Council.

Burial Plot Headstone and Monument Restrictions

- (1) Headstones or monuments on burial plots must not exceed 1000mm in height above the concrete strip provided.
- (2) All headstones or monuments must be constructed and installed within the size and setback conditions of Figure 1: Typical Burial Plot Headstone and Monument Standard.
- (3) Mangatainoka Cemetery headstone bases to be no more than 350mm in depth.
- (4) Eketahuna Lawn, Woodville Lawn and Mangatera Cemetery headstone bases to be no more than 450mm in depth.

Cremation Plot Headstone and Monument Restrictions

- (1) Headstones or monuments on cremation plots must not exceed 500mm in height above the concrete strip provided.
- (2) All headstones or monuments must be constructed and installed within the size and setback conditions of Figure 2: Typical Cremation Plot Headstone and Monument Standard.

Cemetery Garden, Walls, and Lawn Plaques

- (1) In cemetery areas where walls or lawn plaques are permitted, the size, type and material of any plaque shall be in accordance with the standard determined by resolution of the Council for that area of the cemetery and will be reviewed from time to time.
- (2) The approximate dimension standards for plaques are as follows:

- Norsewood Walls 130mm x 180mm
- Mangatera Walls 140mm x 180mm
- Woodville Walls 140mm x 180mm

- Mangatainoka Walls 205mm x 285mm
- Eketahuna Walls 180mm x 400mm

Typical Burial and Cremation Plot Headstone and Monument Standards

Figure 1: Typical Burial Plot Headstone and Monument Standard

NOTE

Any variation from these standard details will require the written consent of the Council

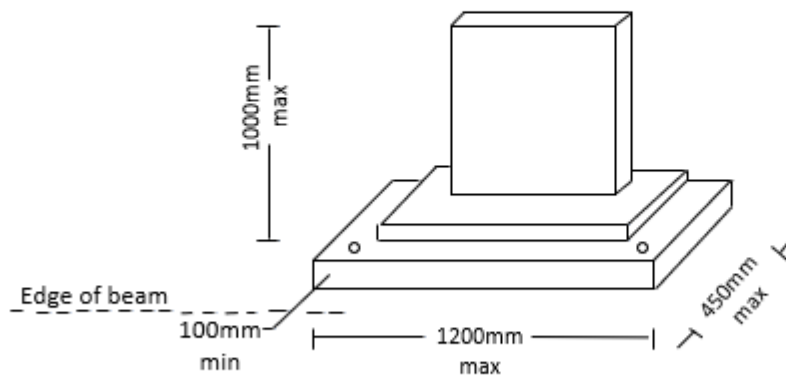
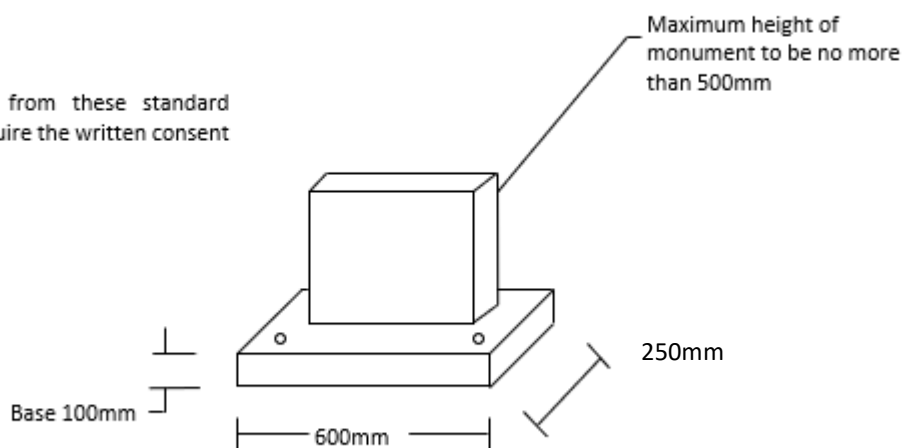


Figure 2: Typical Cremation Plot Headstone and Monument Standard

NOTE

Any variation from these standard details will require the written consent of the Council



Schedule 2: Other Burials