

SOUTHLAND DISTRICT COUNCIL

Cemetery bylaw 2006

Approved 28 June 2006.

Copy for public inspection

In pursuance of the power contained in the Local Government Act 2002, the Burial and Cremation Act 1964 and any other Act or authority enabling the Southland District Council in that behalf the Council makes the following Bylaw:

SOUTHLAND DISTRICT COUNCIL CEMETERY BYLAW 2006

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1.0 **SHORT TITLE, COMMENCEMENT AND APPLICATION**

- 1.1 This Bylaw shall be referred to as the "Southland District Council Cemetery Bylaw 2006" and shall come into force on 29 June 2006.
- 1.2 This Bylaw is complementary to the Burial and Cremation Act 1964.
- 1.3 This Bylaw applies to all property and premises in cemeteries under Council's control at Halfmoon Bay, Winton, East Winton, Lumsden, Wyndham, Dipton, Edendale, Woodlands, Otautau, Riverton, Lynwood, Wallacetown, Centre Hill and Wairio and any other cemetery which may be constituted as controlled by Council.

- 1.4 Nothing in this bylaw will 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

Cremation Regulations 1973

Health (Burial) Regulations 1946.

2.0 **REVOCATION**

The Southland District Council Cemetery Bylaw 1996 is revoked.

3.0 **DEFINITION**

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.

“Sexton” means any person approved 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.

“Council” means the Southland District Council.

“Beam Lawn Cemetery” means a cemetery in which the surface is laid down as a grass lawn with headstones, plaques and tablets erected on the beam provided by Council at the head of the graves.

“Double Plot” means two plots in depth only subject to exclusive right of burial.

“Exclusive Right of Burial” means the purchase of a plot(s) for exclusive burial at a later date. An exclusive right of burial shall lapse 60 years after the purchase without a burial taking place.

“Existing plot” means a plot previously used for an interment.

“Stillborn child” has the same meaning as in section 2 of the Births and Deaths Registration Act 1951.

4.0 **BURIALS AND PLOTS**

- 4.1 Burials may be made in any cemetery controlled by Council and not closed.
- 4.2 Burials plots shall be sold according to Council's normal terms and conditions, and the exclusive right of burial may be granted under Section 10 of the Burial and Cremation Act 1964.
- 4.3 No burial shall be made in any cemetery without a Warrant to Inter obtained from Council.
- 4.4 The Funeral Director or person having the management or control of the burial shall make application to the Council for a burial warrant and shall produce to the Council evidence of death.
- 4.5 No warrant shall be issued until the fee for interment has been paid. In the case of an interment under the management or control of a Registered Funeral Director, Council may, at its discretion, waive the foregoing requirement as to prior payment and charge the cost of the same against the Funeral Director concerned.
- 4.6 Notification of the intended burial shall be given to the Sexton at least 16 working hours prior to the time arranged for the funeral, and no burial will take place until the Sexton has received the burial warrant.
- 4.7 No person other than the Sexton or his/her assistants or any other person authorised by Council, shall dig any grave, or open the ground for burial, in any part of any cemetery.
- 4.8 At the time of issue of a burial warrant, Council may, upon specific application made to it, authorise the digging and filling of the grave by relatives and associates of the deceased under the direction of the Sexton or other person authorised by Council.
- 4.9 The minimum depth of cover to any coffin shall be not less than one metre.
- 4.10 Upon application being made and the prescribed fees paid to Council, the urn containing the ashes of the 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.

5.0 **BEAM LAWN CEMETERIES**

- 5.1 Interments may be made in ground in the cemetery set apart by Council for the purpose of a Beam Lawn Cemetery and shown on a plan prepared by the Council.
- 5.2 Interments shall be in sequential order along the headstone beam provided.
- 5.3 The Council shall construct a continuous concrete platform or beam at ground level or below as required, of a width suitable to maintain stability on which base or platform foundation work for all memorials and headstones are placed.
- 5.4 All headstones shall be constructed in accordance with New Zealand Standard 4242:1995 - Headstones and Cemetery Monuments.
- 5.5 All memorials shall be kept in good repair by the purchaser of the allotment or their representative. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which may fall into a state of decay or disrepair, may at any time be removed from the cemetery by order of the Council and in the event of there being no person available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.
- 5.6 All vases or containers for flowers and other tributes shall be housed in insets into the base on which the memorial is placed, and shall be approved by the Council. No glass vases or containers shall be permitted in the cemetery.
- 5.7 In any beam lawn cemetery no person shall:
- (a) Erect any kerb, railing, fence, building, or other structure on or around any plot or part of;
 - (b) Install or place any memorial plaque, memorial tablet, or other thing on any plot without the prior permission of Council, and subject to compliance with the following conditions:
 - (i) Any memorial tablet, plaque or headstone shall consist of a permanent material as may be approved by Council;
 - (ii) Such tablet, plaque shall be of an approved size and set in an approved position in an approved manner.
- 5.8 A temporary single grave marker may be placed at the head of the grave prior to a permanent memorial being installed.