



# Southland District Council

## Cemetery Bylaw 2016

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## Document Revision

Date	Amendment	Amended by	Approved by	Approval date
			Council	

Pursuant to Section 145 of the Local Government Act 2002, and Section 16 of the Burial and Cremation Act 1964 the Southland District Council makes the following Bylaw:

## 1 Short Title, Commencement and Application

This Bylaw shall be referred to as the "Southland District Council Cemetery Bylaw 2016" and shall come into force on 1 October 2016.

Nothing in this Bylaw shall derogate from any Act or Regulation for the time being in force concerning cemeteries and burials.

## 2 Revocation

The Southland District Council Cemetery Bylaw 2006 is revoked.

## 3 Definitions

For the purposes of this Bylaw:

<b>BEAM LAWN CEMETERY</b>	means a cemetery or part of 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 burial plots.
<b>BURIAL PLOT</b>	means a plot in a cemetery used for the burial of the dead.
<b>BURIAL WARRANT</b>	means a certificate issued by Council after application on the prescribed form and payment of any fees authorising the burial of the person named in it and prescribing the terms and conditions of burial.
<b>CEMETERY</b>	means any cemetery vested in or under the control of Council.
<b>CLOSED CEMETERY</b>	means a cemetery which has been closed by a closing order.
<b>COUNCIL</b>	means the Southland District Council.
<b>DISINTERMENT</b>	means the removal of any body (or remains of any body) buried in any cemetery.
<b>EXCLUSIVE RIGHT OF BURIAL</b>	means the purchase of a plot(s) for exclusive burial at a later date, in accordance with Section 10 of the Burial and Cremation Act 1964.
<b>EXISTING PLOT</b>	means a plot previously used for a burial.
<b>MANAGER</b>	means the person appointed by Council to manage its cemeteries.
<b>SEXTON</b>	means any person approved by Council to manage the day to day activities of any cemetery and includes his or her assistants.

## 4 Burials and Plots

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

Burials plots may be sold on such terms as Council decides. An exclusive right of burial may be granted under Section 10 of the Burial and Cremation Act 1964.

Upon application being made and the prescribed fees paid to Council, an urn containing the ashes of a deceased person may be buried in any part of the Cemetery that Council generally or in any particular case authorises.

The minimum depth of soil cover over any coffin in a Burial Plot shall be one metre.

No person other than the Sexton, or a person under the Sexton's direction, shall dig any grave, or open the ground for burial, in any part of any Cemetery.

## 5 Hours for Burials

Burials shall only be held on the days and between the hours identified in the Southland District Council Cemetery Policy.

## 6 Fees

All fees and charges under this Bylaw shall be set from time to time by resolution of Council and will be included in the Southland District Council Schedule of Fees and Charges.

## 7 Headstones and Memorials

All headstones and related works shall be constructed in accordance with New Zealand Standard 4242:1995 - Headstones and Cemetery Monuments or any subsequent New Zealand Standard. All foundations for kerbs, tombstones, headstones and monuments shall be constructed of permanent materials and be laid to the satisfaction of Council using the services of a qualified tradesperson approved by Council.

All headstones and memorials shall be kept in good repair by the holder of the Burial Plot or their personal representative. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all headstones or memorials which fall into a state of decay or disrepair, may at any time be removed by Council.

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 Council. No glass vases or containers shall be permitted in the Cemetery.

In any Beam Lawn Cemetery no person shall:

- a) erect any kerb, railing, fence, building, or other structure, on or around any Burial Plot or part of;
- b) install or place any memorial plaque, memorial tablet, or other item on any Burial 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; and
  - ii) such tablet, plaque or headstone shall be of an approved size and set in an approved position.

A temporary single grave marker may be placed at the head of the grave prior to a permanent memorial being installed.

Purchasers of Burial Plots in any Cemetery, other than a lawn cemetery, may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300 mm above the ground level. Tombstones, headstones, or other monuments may be erected.

No person, without permission of Council, may remove any kerb, headstone, monument, or tablet from any Cemetery or any grave.

No person without authority will remove or take from any cemetery, or from any grave in any Cemetery, any vase, wreath, plant, flower or any other item.

No person erecting or repairing any headstone, monument, fence or other work in, or around any grave, in any Cemetery shall make use of any footpath or other part of such Cemetery for placing or depositing any tools or material in connection with the work for a longer time than is reasonably necessary for the purpose of completing such work. Any person who, after receiving notice in writing by Council requesting the removal thereof within a time specified in such notice, neglects or refuses to comply with the notice issued breaches this Bylaw.

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 an approved manner.

Any person, business, or group wishing to provide or undertake services in the Cemetery, other than provided in this document, shall require the prior approval of Council.

A person who produces Power of Attorney documents relating to the Exclusive Right Holder(s) will have the same interment and monument works decision rights as the holder(s) would.

## **8 Shrubs and Trees**

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

## **9 Wreaths**

During a period of seven days, or such other period as Council decides following a burial, any wreath may be placed on a plot, but shall be removed at the expiration of that period.

## **10 Flowers and Tributes**

Any floral tribute placed on a Plot shall be placed in a vase.

The vase, or any other tribute, shall be installed adjoining any tablet or plaque on the side nearest the head of the Plot.

Council may at any time remove damaged vases, or vases of a type not approved by Council, and he/she may also remove at any time dead flowers and dead foliage.

Council may at any time remove damaged tributes or tributes deemed unacceptable by Council.

## **11 Vehicles**

No person shall take a vehicle into any Cemetery except between the hours of sunrise and sunset, unless authorised by Council.

No person shall permit any vehicle under his/her control to remain in any Cemetery after sunset without the permission of Council.

No person shall operate any vehicle in a Cemetery except on the roads open for vehicular traffic, and in the direction indicated by traffic signs.

No person shall operate any vehicle in a Cemetery at a greater speed than 20 km/hr, or the speed that is signposted.

Every person operating any vehicle in a Cemetery shall stop or move the vehicle as directed by the Sexton or a Funeral Director.

## 12 Soliciting of Orders

No person shall advertise or solicit any order or custom for any work to be done in or in connection with any Cemetery,

No person shall, without the consent of the Funeral Director, or special permit in writing for the occasion from Council, take any photograph or moving image of a funeral.

## 13 Misconduct

No person shall unreasonably prevent, interrupt, or delay a funeral service.

No person shall cause nuisance or inconvenience to any other visitor to a Cemetery.

## 14 Disinterment

The disinterment of a body, or remains of a body, must be conducted in accordance with Section 51 of the Burial and Cremation Act 1964.

The disinterment must be conducted in the presence of:

- a) a Council officer(s); and
- b) a Funeral Director; and
- c) a Health Protection Officer designated under the Health Act 1956, as part of disinterment approval conditions;

Any other person may be present at a disinterment with prior approval of Council.

If a grave is rendered unused due to disinterment, and where there is no valid Exclusive Right of Burial still in existence, that plot will revert back to Council. Council will not use that plot other than in line with any valid Exclusive Right of Burial still in existence.

## 15 Offences

Every person commits an offence against this Bylaw who by any act contravenes or fails to comply with any of the provisions of this Bylaw.

This bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on \_\_\_\_\_ .

THE COMMON SEAL of the  
SOUTHLAND DISTRICT COUNCIL  
was hereunto affixed in the presence of: }

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CHIEF EXECUTIVE