

Part 14:2018

# **CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS**



## **Part 14 – Cemeteries**

CHBDC:Part 14:2008

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## **Referenced Documents**

Reference is made in this document to the following:

### **Related Standard**

NZS 4242:1995 Headstones and Cemetery Monuments

### **New Zealand Legislation**

- Burial and Cremation Act 1964
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- Cremation Regulations 1973
- Health (Burial) Regulations 1946
- Local Government Act 1974
- Local Government Act 2002

# CHBDC BYLAWS

## Part 14 - CEMETERIES

### 1400 TITLE

A Bylaw of the Central Hawke's Bay District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the **Central Hawke's Bay District Council Cemeteries Bylaw 2018**.

### 1401 COMMENCEMENT

This Bylaw shall come into force on the

### 1402 REPEAL

As from the day this Bylaw comes into force, any previous cemetery and crematoria bylaw or parts of any cemetery and crematoria bylaw and their amendments in force in the Central Hawke's Bay District (including the former local authorities that now comprise the Central Hawke's Bay District Council) shall be repealed.

### 1403 APPLICATION OF BYLAW

This Bylaw shall apply to the Central Hawke's Bay District.

### 1404 SCOPE

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

This bylaw is made pursuant to section 146 of the Local Government Act 2002 and the Burials and Cremations Act 1964.

### 1405 INTERPRETATION

When interpreting this Bylaw use the definitions set out in section 1406 unless the context requires otherwise. For the purpose of this Bylaw, the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

**1406 DEFINITIONS**

Reference should be made to Part 1 *Introductory Bylaw* and to the legislation referred to under Referenced Documents, for any other definitions not included in this Part.

For the purposes of this bylaw the following definitions shall apply:

**Cemetery** - means any cemetery vested in or under the control of Council from time to time but excludes any closed cemetery.

**Council** - means the Central Hawke's Bay District Council or any officer authorised by Council or legislation to exercise the authority of Council.

**Crematorium and Crematoria** - means any crematorium maintained by Council.

**1407 COMPLIANCE WITH LEGISLATION**

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) Cremation Regulations 1973;
- (d) Health (Burial) Regulations 1946.

**1408 BURIALS AND SALE OF PLOTS**

**1408.1** Burial plots sold by Council shall be sold upon the terms and conditions as decided by Council and the exclusive right of burial may be granted for such limited period as Council decides.

**1408.2** No burial shall be made in any cemetery without a burial warrant for that purpose being issued by Council as authority for that burial.

**1408.3** Burials shall take place in such plots as Council 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.

**1408.4** No person other than Council or other person duly authorised by 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.

**1408.5** 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.

**1409 FEES**

**1409.1** Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.

**1409.2** “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 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. Council shall determine in each case whether an “out of districts” fee is applicable.

**1410 HOURS OF OPERATION**

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

**1411 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES, ETC**

**1411.1** All above ground grave surrounds and structures, concrete ground beams or bases, overtop construction, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 and kept in good order or repair by the purchasers of the plots or their representatives. All such structures shall be installed by qualified persons to Council’s satisfaction. No wooden structures will be approved. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, 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.

**1411.2** Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to Council.

**1411.3** Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

**1411.4** No person shall, without the written permission of Council, remove from any cemetery or grave any headstone, monument or plaque.

**1411.5** No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of Council.

**1411.6** All vases and containers for flowers in memorial park cemeteries shall be of a kind approved by Council and shall be placed in such a manner as approved by Council.

**1411.7** 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. No trees or shrubs or other vegetation shall be planted in a plaque lawn cemetery.

**1411.8** 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.

**1411.9** No person shall, without the authority of Council, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that Council may cause to be removed any neglected, broken or unauthorised material of this nature.

**1412 SHRUBS AND TREES**

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

**1413 VEHICLES**

**1413.1** Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by Council.

**1413.2** 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.

**1413.3** All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

**1413.4** Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

**1414 SOLICITING OF ORDERS**

**1414.1** 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.

**1414.2** 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.

**1414.3** No person shall without the consent of the funeral director, or a special permit in writing for the occasion from Council, take any photographs or moving images at a funeral.

**1415 BURIAL OR CREMATION OF POOR PERSONS**

Where application is made to Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this Part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement or other entitlement and that his / her relatives and friends are unable to pay the same.

**1416 DECEASED SERVICE PERSONNEL** The fee payable to Council for the disinterment of any deceased service personnel and the reinterment 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.

**1417 DISINTERMENT**

Where a request for a disinterment and / or a reinterment is received by 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 Council decides.

**1418 CREMATION**

**1418.1** An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as Council may set shall be paid. Council will not hold ashes beyond 3 months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.

**1418.2** The casket containing any deceased person intended for cremation shall be made of an approved combustible material.

**1418.3** No casket shall be opened after admission to the crematorium without the consent of Council or any other person duly authorised by Council.

**1418.4** Council shall determine the hours of operation of its crematorium.

**1418.5** Every application for cremation together with all the necessary documentation shall be deposited with Council prior to cremation.

**1419 SAFETY**

No person other than Council or any other person duly authorised by Council shall fill in a grave.

**1420 BYLAW APPROVAL DATE**

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - Part14 Cemeteries Bylaw 2018*) passed at a meeting of the Central Hawke's Bay District Council held on ..... (Day) ..... (Month) ..... (Year).

DATE CONFIRMED : \_\_\_\_/\_\_\_\_/\_\_\_\_