

GORE DISTRICT COUNCIL CEMETERIES BYLAW 2008

Bylaw of the Gore District Council made in pursuance of the powers contained in the Local Government Act 2002, and pursuant to all other powers, authorities and provisions contained in any other Act enabling the said Council in that behalf:

1. Short Title

The short title of this bylaw shall be the Gore District Council Cemeteries Bylaw 2008.

The bylaw shall come into operation on the 1st Day of July 2008.

2. Repeal

The Gore District Council Cemeteries Bylaw 2000 and the Gore District Council Cemeteries Bylaw 2000 – Amendment No.1, 2004 are hereby repealed from the date this bylaw comes into force.

3. Adoption of New Zealand Standard 9201, Chapter 14, Model General Bylaw for Cemeteries and Crematoria 1999

The scope of this bylaw is to enable the Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by the 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.

1401 – Definitions and Interpretations

1401.1 – 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.

CREMATORIUM or CREMATORIA means any crematorium maintained 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 and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this part of the bylaw.

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

THIRD PARTY means any relative of the deceased, next of kin or a registered funeral director

1401.2 – 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

The New Zealand Standard 9201, Chapter 14, Model General Bylaw for Cemeteries and Crematoria 1999 is hereby adopted as a bylaw of the Gore District Council, with the following amendments:

1. All monumental masonry work is to be carried out by qualified tradespersons in all cemeteries within the Gore District.
2. Fees and charges will be reviewed annually by the Council for all Gore District Council administered cemeteries and will be publicly notified.
3. Clause 1402 – Burials and Sale of Plots to be amended to read:

1402.1 - 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. Any relative of a person so buried may, at the time of burial, purchase one adjacent plot at the time of burial only.

1402.2 – No burial shall be made in any cemetery without a burial application for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Cemetery Manager as authority for burial.

1402.3 – 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.

1402.4 – No person, other than the Cemetery Manager or assistants of the Cemetery Manager 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. Notification of the intended burial shall be given to the Cemetery Manager at least eight working hours prior to the time fixed for the funeral and no such burial shall take place until the delivery to the Cemetery Manager of the said application for burial has been made.

(a) *1402.5 – 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*

(i) No person other than the Cemetery Manager or any other person for the time being duly authorised by the local authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the cemetery grounds during the normal hours of operation.

(ii) On a Weekend or Statutory Holiday it will be permitted that upon the approval and prior consent of the Cemetery Manager or any other person for the time being duly authorised by the local authority, to grant permission for a third party to undertake the interment of an ashes urn in the site prepared by the Cemetery Manager and or cemetery staff.

(iii) No person, other than the Cemetery Manager or assistants of the Cemetery Manager or any other person duly authorised by the Council, shall dig any grave in, or open the ground for Ashes burial in any part of the cemetery.

4. Clause 1403.2 - Fees to be amended to read:

“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.

5. Clause 1404 – Hours of Operation to be amended to read:

Clause 1404.1 - "Burials will be permitted between the hours of 9:00 am and 4:00 pm, six days per week, with the exceptions of Christmas Day, Boxing Day, New Years Day, 2 January, Waitangi Day, Good Friday, Easter Monday, Labour Day, the Sovereign's Birthday, ANZAC Day and Southland Anniversary Day." "Ash interments will be permitted between the hours of 9.00 am and 4.00 pm seven days per week"

6. Clause 1405 – Erection and Maintenance of Monuments, Headstones, Structures etc

1405.1 – All above ground grave structures, 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. 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.

1405.2 – 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.

1405.3 – The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

The following Clauses shall be amended to read:

1405.4 – No person shall, without a monumental permit, remove from any cemetery or grave any headstone, monument or plaque.

1405.5 – No monuments other than approved headstones shall be erected within any cemetery. All monumental

work must comply with NZS 4242:1995 for headstones and cemetery monuments.

1405.9 – No person shall, without the authority of the Cemetery Manager, 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.

1405.10 – All monumental masons or other person erecting or repairing any headstone or monument shall remove from the cemetery all materials and tools on completion of the work.

7. Clause 1406 – 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.

8. Clause 1407 – Vehicles

1407.1 – Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Cemetery Manager or assistants of the Cemetery Manager.

1407.2 – 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.

1407.3 – All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

1407.4 – Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

9. Clause 1408 – Soliciting of Orders

1408.1 – 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.

1408.2 – 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.

1408.3 – 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.

10. Clause 1409 – Burial or Cremation of Poor Persons

Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the 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 and that his/her relatives and friends are unable to pay the same.

11. Clause 1410 -Deceased Servicemen

The fee payable to the Council for the disinterment of any deceased servicemen 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.

12. Clause 1411 – Disinterment

Where a request for a disinterment and/or a reinterment 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.

13. Clause 1412 – Cremation

1412.1 – An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The 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.

1412.2 – The casket containing any deceased person intended for cremation shall be made of an approved combustible material.

1412.3 – No casket shall be opened after admission to the crematorium without the consent of the Cemetery Manager.

1412.4 – The Council shall determine the hours of operation of its crematorium.

1412.5 – Every application for cremation together with all the necessary documentation shall be deposited with the Manager prior to cremation.

14. Clause 1413 – Safety

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

15. Clause 1414 – 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.

16. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

17. Penalty for Breach of Bylaw

Any person convicted of an offence against this bylaw is liable on conviction, to a fine not exceeding \$20,000.

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 27th day of May 2008 and ordered to come into force on the 1st day of July 2008.

The Common Seal of the Gore
District Council was hereunto
Affixed this day of June
2008, in the presence of:

_____ Tracy Hicks, **Mayor**

_____ Stephen Parry, **Chief Executive**