



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Seven Cemeteries and Crematoria

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 26 June 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Seven - Cemeteries and Crematoria	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 7 – Cemeteries and Crematoria

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Referenced Documents

Standards

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 2002

Foreword

This Part of the bylaw is made under section 16 of the Burials and Cremations Act 1964 and section 146 of the Local Government Act 2002 (LGA). This Part of the bylaw draws from NZS 9201 standard Cemeteries and Crematoria. The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, the provisions of this Part prevail.

1. Scope

- 1.1. 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.
- 1.2. 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; and
 - d) Health (Burial) Regulations 1946.

2. Definitions and Interpretation

Beam: The concrete area of a plot where a headstone or plaque is placed.

Cemetery: Any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

Crematoria: Any crematorium maintained by the Council.

Disinterment: The removal of any body, or the remains of any body, or ashes interred in any cemetery.

Exclusive Right of Burial: A right that may be purchased from the Council which grants the purchaser, or the person holding the purchaser's power of attorney, the exclusive right to determine who may be buried in a designated plot for a period designated by Council and:

- does not create an ownership interest over the designated plot; and
- lapses in accordance with section 10 of the Burial and Cremation Act 1964.

Manager: Any person appointed by the Council to control or manage, or to assist in the control and management of, any cemetery or crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the bylaw.

Natural Burial: A burial that has a low environmental impact, including the body not being treated with chemical or oils that prevent or slow down the decay of the body.

Plot: Includes a burial, ashes or memorial plot.

Sexton: Any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction, including arranging for the provision of plots for burials.

3. Burials and Sale of Plots

- 3.1. 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 period as the Council decides.
- 3.2. No burial shall be made in any cemetery without a burial warrant for that purpose. A burial warrant may be obtained from the Council upon payment of the appropriate fee. The person having the management or control of the burial shall present the burial warrant to the Sexton as authority for burial.
- 3.3. 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.
- 3.4. No person other than the Sexton or assistants of the Sexton 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.
- 3.5. 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.
- 3.6. Council will not sell the exclusive right of burial in respect of any plot in those portions of a cemetery reserved exclusively for natural interments.

4. Natural Burials

- 4.1. Council may set aside, by resolution publicly notified, areas within a cemetery where natural burials may be undertaken.
- 4.2. A natural burial must:
 - a) be single depth, with a minimum depth cover of one metre;
 - b) use only caskets or coffins made of biodegradable materials;
 - c) use shrouds made of natural materials;
 - d) use no chemical or embalming treatment of the body;
 - e) contain only biodegradable accessories, including clothing;
 - f) use only temporary, untreated wooden above-ground markers, placed at the time or within the first week of burial, centrally located at the head of the plot; and
 - g) be marked more permanently by a native tree or shrub chosen by Council, and planted at its discretion.
- 4.3. No memorials or adornments may be placed on or near the burial plot.
- 4.4. Council may, at its discretion, use markers below-ground that are of a material it considers appropriate, to ensure the location of the deceased can be identified.

5. Power to Set Fees

- 5.1. The Council may by resolution publicly notified, set fees for the purchase of plots and all other services provided for the repairs, operation and maintenance of cemeteries and crematoria.
- 5.2. "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 as fixed by Council. The Manager appointed by the Council shall determine in each case whether an "out of district" fee is applicable.

6. Hours of Operation

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

7. Erection and Maintenance of Monuments, Headstones and Structures

- 7.1. 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.
- 7.2. All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242. Purchasers of plots with headstones shall pay fees as fixed by the Council for the purpose of maintaining and repairing in perpetuity the headstone, beams and associated fixtures.
- 7.3. An application to erect a memorial must include written permission from the owner (or the person holding the owner's power of attorney) of the exclusive right of burial for that plot.
- 7.4. 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.
- 7.5. The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.
- 7.6. No person shall, without the written permission of the Manager, remove from any cemetery or grave any headstone, monument or plaque.
- 7.7. No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. No memorial or headstone shall exceed a height of 1.2 metres except with the written permission of the Manager.
- 7.8. All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Manager.
- 7.9. 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.
- 7.10. 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.

- 7.11. No person shall, without the authority of the Sexton, 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.

8. Adornments

- 8.1. Adornments may be placed on a plot for up to one month following an interment.
- 8.2. After one month following the interment, adornments must be placed in approved receptacles and be within the confines of the beam.
- 8.3. Adornments may not inhibit the proper maintenance of the cemetery or other graves.
- 8.4. Glass, pottery, metal or other breakable items or items that may pose a danger must not be used or placed on the memorial, plaque, beam or the grassed area of the plot.
- 8.5. Council may remove the adornments described in clause 8.4 or any other adornment that may pose a danger at any time. Council will either place these adornments on the memorial or within the confines of the beam, or in a designated place for collection by the owner. Council will retain the adornment for a reasonable period of time, after which the adornment may be disposed of without compensation to the owner of the adornment.

9. Plot Maintenance

- 9.1. The holder of the exclusive right of burial, the owner of a plot or their successors must ensure:
- a) the plot is maintained;
 - b) any memorials associated with the plot are safe and secure;
 - c) any kerbs, enclosures, tombstones, headstones, other monuments and their base structures, are kept in good order; and
 - d) memorials do not inhibit regular maintenance of the cemetery.
- 9.2. Council may cut or remove any vegetation planted in the cemetery, at its discretion.
- 9.3. Any person undertaking any work or otherwise present in a cemetery must withdraw for the duration of a nearby interment or service or at the direction of a person authorised by Council.
- 9.4. Services cemeteries will be maintained by Council in accordance with the Standard of Care set by NZ Veterans' Affairs.

10. Shrubs and Trees

- 10.1. No tree or shrub shall be planted in any part of any cemetery by any person without the permission of the Manager being first obtained.

11. Vehicles

- 11.1. Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- 11.2. No vehicle shall be driven at a greater speed than 20km/h or as indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- 11.3. All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 11.4. Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

12. Soliciting Trade

- 12.1. With the exception of the transactions of Council staff undertaken in the course of management of the cemetery and crematorium, no person may solicit trade, advertise goods or services, or accept orders for goods or services, within any cemetery.

13. Burial or Cremation of Poor Persons

- 13.1. Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall provide to the Council a duly signed certificate certifying that:
 - a) the deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this Part of the bylaw;
 - b) the cost of burial is not covered by any Accident Compensation or Work and Income New Zealand entitlement; and
 - c) the deceased person's relatives and friends are unable to pay the same.

14. Deceased Servicemen

- 14.1. The fee payable to the Council for the disinterment of any deceased servicemen and the re-interment 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.

15. Disinterment

- 15.1. Where a request for a disinterment and/or a re-interment 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.

16. Cremation

- 16.1. 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 the Council may set shall be paid. The Council will not hold ashes beyond three 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.
- 16.2. The casket containing any deceased person intended for cremation shall be made of an approved combustible material.
- 16.3. No casket shall be opened after admission to the crematorium without the consent of the Sexton.
- 16.4. The Council shall determine the hours of operation of its crematorium.
- 16.5. Every application for cremation, together with all the necessary documentation, shall be deposited with the Sexton prior to cremation.

17. Safety

- 17.1. No person other than the Sexton, or assistants of the Sexton, or any other person duly authorised by the Sexton, shall fill in a grave.

18. Offences and Penalties

- 18.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.