

MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2008

Part 9 – CEMETERIES AND CREMATORIA

CONTENTS

Related Document	1
New Zealand Legislation.....	2
Foreword	2

SECTION

1 Scope	2
2 Definitions and interpretation	2
3 Burials and sale of plots	3
4 Fees	4
5 Hours of operation.....	4
6 Erection and maintenance of monuments, headstones, structures etc	4
7 Shrubs and trees	5
8 Vehicles.....	5
9 Soliciting of orders.....	6
10 Burial or cremation of poor persons	6
11 Deceased servicemen.....	6
12 Disinterment	6
13 Cremation.....	7
14 Safety.....	7
15 Monumental work in cemeteries	7

RELATED DOCUMENT

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

FOREWORD

This Bylaw draws from NZS 9201 standard Cemeteries and Crematoria. The NZS 9201 series are model Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make Bylaws.

Reference should be made to Masterton District Council Consolidated Bylaw 2008: Part 1 *Introductory* for any other definitions not included in this Part.

1 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 145 of the Local Government Act 2002 and the Burials and Cremations Act 1964.

2 DEFINITIONS AND INTERPRETATION

2.1

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

CEMETERY	Any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.
CEMETERIES AND CREMATORIA	Any crematorium maintained by the Council.
MANAGER	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	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.

2.2

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.

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.

4 FEES

4.1

The Council may from time to time 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.

4.2

“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 districts” fee is applicable.

5 HOURS OF OPERATION

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

6 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC.

6.1

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.

6.2

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.

6.3

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

6.4

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

6.5

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 permission of the Manager.

6.6

All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Manager.

6.7

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.

6.8

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.

6.9

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.

7 SHRUBS AND TREES

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.

8 VEHICLES

8.1

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.

8.2

No vehicle shall be driven at a greater speed than 20 km/h or as indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.

8.3

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

8.4

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

9 SOLICITING OF ORDERS

9.1

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.

9.2

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.

10 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 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 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 CREMATION

13.1

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.

13.2

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

13.3

No casket shall be opened after admission to the crematorium without the consent of the Sexton.

13.4

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

13.5

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

14 SAFETY

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.

15 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.