



KAWERAU DISTRICT COUNCIL

General Bylaw: Part 12 – Cemetery

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Explanatory Statement

The General Bylaw 2009: Part 12 – Cemetery is part of a series that makes up the Kawerau District Council General Bylaw.

General bylaws, by their nature, address a diverse range of matters. The Kawerau District's previous general bylaw contained all those matters in a single document of 12 chapters and almost 100 pages. To improve functionality, Council has made each chapter as a discrete part that stands on its own. Taken together, the parts comprise the General Bylaw.

The purpose of this part of the Bylaw is to enable Council to control and set standards for the operation of the cemetery.

The General Bylaw 2009 is made pursuant to Part 8 of the Local Government Act 2002. This part of the Bylaw is also made pursuant to the Burial and Cremation Act 1964.

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**Kawerau District Council
General Bylaw: Part 12 – Cemetery**

1. Title

This part of the Kawerau District Council General Bylaw shall be known as the Kawerau District Council General Bylaw: Part 12 – Cemetery.

2. Commencement

This part of the Bylaw shall come into force on the 1st day of September 2010.

3. Application of Bylaw

This part of the Bylaw shall apply to the Kawerau District.

4. Scope

The purpose of this part of the Bylaw is to enable Council to control and set standards for the operation of the Cemetery.

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) Health (Burial) Regulations 1946.

5. Definitions

The definitions in the Kawerau District Council General Bylaw: Part 1 – Introductory shall apply to this part of the Bylaw.

For the purposes of this part of the Bylaw, the following definitions shall also apply:

CEMETERY means the Kawerau Cemetery and any other cemetery vested in, or under the control of Council, but excludes any closed cemetery.

COUNCIL STAFF means any employee of the Kawerau District Council whose duties include work in the cemetery.

6. Burials and sale of plots

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

6.2 Every burial shall take place in the plot as determined by the authorised officer.

6.3 Burials shall occur after the person with the management or control of the burial has obtained a burial warrant from the Council and presented the warrant to the authorised officer.

6.4 On application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be interred in the appropriate portion of the cemetery or buried in any plot as approved by the authorised officer.

7. Fees

7.1 The Council may set fees for any services provided for the operation and maintenance of the cemetery.

7.2 Council may levy an additional 'Out of District' fee for any service relating to a deceased person who was not a resident or a ratepayer of the District. This fee may be waived on application.

7.3 Council may waive any, or all, of the fees relating to the burial or interment of any deceased person where it is demonstrated that the person did not leave sufficient means to pay the ordinary charges and that the cost cannot be met by any other person or organisation.

8. Hours of operation

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

9. Erection and maintenance of memorials

9.1 All headstones and plaques erected in the cemetery shall be in accordance with Council policy guidelines for approved memorials.

9.2 All headstones and plaques will be photographed by Council after installation. Council will carry out regular audits of headstones and plaques to monitor their state of repair.

9.3 Headstones and plaques shall be kept in good 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, Council staff may remove any headstone or plaque that falls into a state of decay or disrepair. A photographic record of the headstone or plaque shall be taken prior to removal and retained in cemetery records.

9.4 No person shall remove any headstone or plaque from the cemetery without first notifying Council.

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

10. Ornamentation

10.1 Council may make policy guidelines for the placement of vases and containers for flowers and other ornamentation in the cemetery. Such guidelines shall be followed by all persons who place ornamentation in the cemetery.

- 10.2 Persons who had a close connection to a deceased person shall be authorised to take or remove any ornamentation, plant, flower or other object from the grave of that person.
- 10.3 Council staff may remove or cause any neglected or broken ornamentation, plant, flower or other object to be removed from any grave.
- 10.4 Any other persons may take or remove such material only when the object is neglected or is creating a hazard to cemetery visitors.

11. Shrubs and trees

Any person wishing to plant a tree or shrub in any part of the cemetery shall first obtain Council approval.

12. Vehicles

- 12.1 Every person driving or in charge of any vehicle in the cemetery shall observe any notices in the cemetery and shall stop or move such vehicle as directed by an authorised officer.
- 12.2 All vehicles (other than hearses) shall give unconditional right of way to any funeral procession.

13. Disinterment

- 13.1 Where a request for a disinterment and/or a re-interment is received by the Council, 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.
- 13.2 The fee payable to 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 between the parties at the time.

14. Soliciting of orders

- 14.1 No person shall tout for any business in the cemetery either from the family of, or in connection with the affairs of, a deceased person who is buried or interred at the cemetery.
- 14.2 No person shall, without the consent of the funeral director or the family of the deceased person, take any photographs or moving images at a funeral.

15. Safety

- 15.1 No person other than Council staff shall dig any grave, or open the ground for burial, in any part of the cemetery.
- 15.2 Persons other than Council staff may be given approval by Council or its authorised officer to fill in a grave.
- 15.3 The minimum depth of cover for any casket shall be no less than one metre.

16. Nuisance

16.1 The cemetery is scheduled as a prohibited area for the purposes of the Kawerau District Council Liquor Control Bylaw. This means that it shall be an offence to:

- (i) Consume liquor in; or
- (ii) Bring liquor into; or
- (iii) Possess liquor in

the cemetery.

16.2 The cemetery is a public facility subject to the provisions of the Kawerau District Council General Bylaw: Part 2 - Public Places. This part of the Bylaw provides measures to control activities in public facilities that may cause damage to those facilities or adverse effects to other users.

Revocations

The Kawerau District Council General Bylaw: Part 12 – Cemetery was duly made by a resolution passed at a meeting of the Kawerau District Council held on 31 August 2010 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date