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## Cemetery Bylaw

### 1. Title

1.1 This bylaw shall be known as the “Cemetery Bylaw”

### 2. Commencement

2.1 The bylaw comes into force when adopted by Taupo District Council on 13 December 2011.

### 3. Application

3.1 This bylaw applies to all cemeteries within Taupo District Council's control, but excludes Urupa (Maori burial places) in line with the Burial and Cremation Act 1964.

3.2 This bylaw does not affect the operation of any regulations under the Health Act 1956, the Burial and Cremation Act 1964 or any other relevant statute or regulation.

### 4. Definitions

4.1 The following definitions apply unless they are inconsistent with the context:

<b>authorised person</b>	a person to who the burial warrant has been issued
<b>burial warrant</b>	a warrant to allow burial, received from Taupo District Council, following application on prescribed form and receipt of the correct fees and charges
<b>cemetery</b>	any land that is purchased or vested in Council, or under control of the Council and held, taken, acquired, set apart, dedicated or reserved, under the provisions of any Act or before the commencement of the Burial and Cremation Act 1964, exclusively for the burial of the dead generally, and where the context so permits, includes a closed cemetery within the meaning of the Burial and Cremation Act 1964 or any other act. This excludes identified Urupa.
<b>exclusive right of burial</b>	a purchase burial plot for the exclusive right to the owner to inter human remains in a burial space, but this does not constitute ownership of the land.
<b>headstone permit</b>	a permit to allow the erection of a headstone from Taupo District Council, following application on prescribed form and receipt of the correct fees and charges.
<b>lawn cemetery</b>	a cemetery which presents a park like appearance and is laid out in grass with concrete headstone berms.
<b>monument</b>	any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.
<b>out of District</b>	a person who has resided outside Taupo District for more than five years.
<b>service cemetery</b>	any cemetery or part of a cemetery that has been set aside permanently by a local authority for the burial of bodies of persons who have been on operational service in Her Majesty's Forces and the wives or husbands of, or persons who have lived in a relationship in the nature of marriage with, a person who has been on operational service in Her Majesty's Forces

	pursuant to Section 15 (a) of the Burial and Cremation Act 1964.
<b>service person</b>	a person who has been on operational service in Her Majesty's Forces pursuant to Section 15 (a)(i) of the Burial and Cremation Act 1964.
<b>Unveiling ceremony</b>	A ceremony to celebrate a memorial to a person
<b>Urupa</b>	Maori burial ground or cemetery

## 5. Burials and exclusive rights

- 5.1 Burials may be carried out by an authorised person in any cemetery owned or overseen by Council subject to the conditions laid out in this bylaw.
- 5.2 Unless exclusive rights to burial have been granted, Council having received full payment and a certificate issued, Council will determine the location of burial based upon cemetery burial plan [on receipt of all fees, burial warrant and headstone permit].
- 5.3 For the first interment within a plot, the authorised person shall request a burial warrant not less than 24 hours before the intended burial.
- 5.4 For the second interment within a plot, the authorised person shall inform Council of the burial using the prescribed form not less than 24 hours before burial and inform Council that it is the second interment.
- 5.5 An authorised person shall ensure all prescribed fees for burial and or Exclusive Right of Burial is paid to Council within 1 month of the burial.
- 5.6 Exclusive rights of burial may be sold by Council and these shall remain for a period of sixty years. Taupo District Council reserves the right to lapse exclusive rights should burial not take place within sixty years. Council reserves the right, with the proper consultation, agreement and reparation, to rescind the exclusive right of burial.
- 5.7 No burial shall take place in a plot where exclusive right of burial has been granted unless with the specific written permission of the owner.
- 5.8 Rights to purchase exclusive rights of burial is limited to four plots per purchaser unless with prior consent of Council.
- 5.9 With reference to section 49 of the Burial and Cremation Act 1964, burial of those without adequate funds shall only take place on the direct request of a Justice of the Peace.
- 5.10 Ownership of exclusive rights of burial is transferable with the express authority of Council. Any fees outstanding from the transfer, of the transferred exclusive rights, are payable before any transfer takes place.

## 6. Times of burials and unveiling ceremonies

- 6.1 Burials shall take place between the hours of:
  - 8.00am and 4.00am Monday to Friday inclusive
  - 8.00am and 11.00am on Saturdays and Sundays & Public Holidays (excluding Christmas Day, Good Friday and ANZAC Day).
- 6.2 Unveiling ceremonies shall take place only with the express permission of Taupo District Council, and shall be between the hours of 8.00am to 4.00pm Monday to Saturday, and public holidays (excluding Christmas Day, Good Friday and Anzac Day) and at no additional cost.
- 6.3 Other times may be approved on specific request and may incur additional charges.
- 6.4 Should there be other ceremonies occurring at the same proposed time an alternative time will be determined by Council.

## 7. Grave requirements and grave digging

- 7.0 The person in charge of the burial shall in the instance of the first burial, inform Council whether the plot is for one +or two people.
- 7.1 Where the plot is designated for one body, the depth of the grave shall be 1.5 metres and the plot register will show that the plot as not receiving further burials.

- 7.2 Where the plot is designated as having two bodies, there should be depth of grave of 1.8 metres with a minimum coffin cover of 1.2 metres at ground level of the final buried coffin.
- 7.3 The dimensions for graves shall be a minimum of:
- adult – 1.0m x 2.4m
  - child – 0.9m x 1.5m
- 7.4 For the purpose of clause 5.4
- two infants shall be treated as one adult (infant defined as up to 1 year old)
  - two children shall be treated as one adult (child defined as 1 to 7 years old)
  - family plots shall follow the above requirements
- 7.5 For public health and safety reasons, Council has full responsibility for the excavation of graves in any part of the public cemetery and family excavation may only occur under the supervision of a Council representative.

## **8. Disinterment**

- 8.1 Should it be required that a grave be reopened for anything other than disinterment, the cost of this shall be agreed prior to commencement of work.
- 8.2 Exhumations cannot take place without the express authorisation of the Minister of Health.

## **9 Headstones and memorials**

- 9.1 A permit is required from Council for any monument, memorial, foundation, headstone, gravestone or other structure.
- 9.2 The application for the permit must include a plan of the proposed structure and , where applicable, the dimensions, material and design, inscriptions or adornments proposed. Council may then grant or refuse permission to erect the structure.
- 9.3 In the areas set aside for cremated remains, the only types of memorial material permitted are:
- a low growing memorial shrub [max 0.5 m full grown height if space allows] within the planting plan.
  - plaques
  - flowers contained within Council approved receptacles.
- 9.4 No vaults are permitted within any cemetery
- 9.5 A person shall not carry out any work as a Monumental Mason unless with prior approval of Council.
- 9.6 The ownership and maintenance of monuments are deemed to be with the person with exclusive right of burial and their heirs/successors, as is the maintenance of the said structures. Taupo District Council accepts no responsibility for the effects of vandalism or intentional (wilful) damage i.e. will not cover damage to headstones
- 9.7 No headstone, kerb, monument or tablet shall be removed without express permission from Taupo District Council for its removal
- 9.8 Taupō District Council has the right to remove headstone, monument, gravestone, or other structure that has been erected outside the terms and conditions on which permission was granted.
- 9.9 Taupo District Council, following direct permission from the family concerned, shall be permitted to remove any item from a plot that is deemed unsafe or a health issue.
- 9.10 The maximum dimensions for headstones are different for each cemetery according to its character and the community it serves
- 9.11 In respect of Taupō, Turangi and Mangakino lawn berms, the maximum dimensions are: 950mm(h) x 450mm(d) x 1065mm(w)
- 9.12 In respect of Turangi and Mangakino lawn berms only, on application to Council, a larger headstone may be approved provided it
- is in keeping with the character of the cemetery, and
  - poses no safety or security risk, and
  - does not extend into the space of another lot.

- 9.13 Opepe cremation berm - maximum dimensions: 600mm(h) x 350mm(d) x 560(w)
- 9.14 Garden of Rest/Pihanga/Pihanga cremation berm - maximum dimensions: 230mm(l) x 150mm(h) x 16mm(d)
- 9.15 The erection of the headstones and monuments shall be carried out to a standard workmanship meeting the New Zealand Standard 4242.

## **10 Lawn berms**

- 10.1 A permit must be received from Council before burial can commence.
- 10.2 Up to six interments of ashes may be made in any owned burial plot on receipt of the appropriate permit.
- 10.3 Floral tributes [except immediately following burial] will be restricted to containers that can be housed within the concrete berm or on the memorial. Council may remove vases and planters that are not on the concrete berm, or neglected or broken containers.

## **11 Ashes**

- 11.1 On receipt of a burial warrant the ashes of a person may be buried in the following places:
- specific ash plots set aside for that purpose
  - in a specific burial plot where exclusive rights have been purchased and the owner has been given consent.
- 11.2 Within the gardens the only types of memorial material permitted are:
- plaques.
  - flowers contained within approved receptacles
  - a low growing memorial shrub [as space allows] within the planting plan.
- 11.3 Council will consider constructing a memorial wall for the interment of ashes and only plaques of the type and size detailed on the Burial Warrant are permitted:
- 11.4 A permit must be received from Council before any interment of ashes.
- 11.5 Maintenance of the gardens is Council's ongoing responsibility.
- 11.6 Pre-purchase for exclusive rights of burial is allowed within the Gardens to a maximum of two plots and within the criteria set for exclusive right of burial.
- 11.7 Floral tributes [except immediately following burial] will be restricted to containers that can be housed within the concrete berm or on the memorial. Council retains the right of removal.

## **12 Wreaths, memorabilia and flower receptacles**

- 12.1 Floral tributes and wreaths can be placed on the grave for up to three [3] calendar months after burial, after which they will be removed for levelling the grave.
- 12.2 Examples of memorabilia which are not acceptable for display on graves are; plastic or glass bottles, articles of food, clothing and objects of financial value (this is not an exclusive list).
- 12.3 Council retains the right to remove any memorabilia or other tribute that it deems to be unacceptable and/or offensive. Removal of unacceptable items will be carried out in consultation with the family/whanau of the deceased.

## **13 Fees and charges**

- 13.1 Council retains the right to charge additional fees for those from out of the district wanting to be buried in any Council cemetery.
- 13.2 Fees and charges may be amended by Council resolution.

## **14 Health and safety**

- 14.1 All those carrying out work within the cemetery will have due regard to their obligations under the Health and Safety in Employment Act 1992.

## **15 Records**

- 15.1 Until 2005 Council maintained burial records about each and every burial made within the cemetery. Since January 2005 permanent records of exclusive rights to burial have been maintained electronically. Access to the records is by official request during office hours.

## **16 Vehicles**

- 16.1 No vehicle, except those on Council business, shall enter the cemetery outside the opening hours.

## **17 Conduct in cemeteries**

- 17.1 Users of the cemetery shall conduct themselves in an appropriate manner whilst using the cemetery. The following activities are prohibited:
- a) Knowingly permitting trespass by animals.
  - b) Damaging, defacing, interfering with or altering burial places.
  - c) Damaging, defacing, interfering or altering monuments.
  - d) Disturbing or removing a body without a licence to do so.
  - e) Taking part in any gathering other than for the purpose of a religious or other ceremony for a burial or cremation
  - f) Driving a vehicle off the access roads and above the designated speed limit.
  - g) Driving a vehicle through the cemetery for any purpose other than attending a ceremony or visiting a memorial or grave
  - h) Parking a vehicle so as to impede others
  - i) Planting any tree, shrub or plant without prior written permission of Council
  - j) Camping or residing on the land
  - k) Processing or consuming alcohol
- 17.2 Dogs are to be controlled on a leash at all times when within a cemetery. The owner of any dog that fouls within a cemetery shall immediately remove and dispose of the faeces and ensure that such faeces are suitably wrapped and contained in a manner that prevents fouling of any public litter bin or other public receptacle.
- 17.3 No child under the age of 8 years old shall enter or be within the cemetery unless accompanied by an adult.
- 17.4 There shall be no soliciting for work or other services or products within the cemetery at any time.
- 17.5 Any person committing an offence against paragraph 15.1 will be liable to a fine not exceeding one hundred dollars (\$100). Where the breach is continuing not exceeding ten dollars (\$10) for every full or part day the breach has continued. The fines are as prescribed within the Burial and Cremation Act 1964.

## **18 Prescribed forms**

- 18.1 Any forms prescribed by Council will be available directly from Council or on its website.

## **19 Deceased member of Her Majesty's Service personnel**

- 19.1 No plot shall be enclosed with any railing and/or kerbing.
- 19.2 Floral tributes, except immediately following burial, will be restricted to containers that can be housed within the concrete berm or on the memorial.
- 19.3 Headstones shall be erected to the maximum size directed by the Burial Warrant
- 19.4 A permit must be received from Council before burial can commence.