



**PALMERSTON NORTH
CEMETERIES AND CREMATORIUM
BYLAW 2008**

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CEMETERIES AND CREMATORIUM BYLAW 2008

The Palmerston North City Council makes this bylaw under the Local Government Act 2002.

1. TITLE

The title of this bylaw is:

“The Palmerston North Cemeteries and Crematorium Bylaw 2008”.

2. PURPOSE

This bylaw facilitates the orderly and efficient management of the cemeteries and crematorium under the Council’s control. It covers matters such as the sale of burial plots, reservation of areas for special purposes, provisions for interments, fees for services, keeping the graves and monuments in good order, vehicle control and regulates miscellaneous other activities in the cemeteries and crematorium.

This bylaw does not alter the provisions of 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. COMMENCEMENT

This bylaw comes into force on 1 November 2008

4. REPEAL

The Palmerston North Cemeteries and Crematorium Bylaw 2004 is repealed with effect from midnight on 31 October 2008.

5. DEFINITIONS

CEMETERY includes any land for the time being vested in the Council or under its control and dedicated as a cemetery.

CEMETERY OFFICE means the location of the administration services for the Cemeteries and Crematorium.

COUNCIL means the Palmerston North City Council and includes any delegate duly authorised by the Council to act on its behalf.

CREMATORIUM means the Kelvin Grove Crematorium.

FAMILY means persons related by familial ties, marriage or a relationship in the nature of marriage or persons of the same household.

FUNERAL DIRECTOR means the person authorised by the deceased's family to conduct a funeral.

GARDENS OF REMEMBRANCE means the gardens within the consecrated land of the Crematorium.

MEMORIAL means any tombstone, headstone or other monument, or any tablet or plaque, or any fence, kerb or other enclosure around, or any covering over, a grave.

PLOT means a lot in a cemetery, laid out and shown on a plan of the cemetery prepared by Council, to be used as a grave.

PLOT CERTIFICATE is a certificate issued by the Council entitling a person (the Plot Holder) to exclusive use of a plot in a cemetery for the purposes of interment.

PLOT HOLDER means the holder of a Plot Certificate issued by Council and includes the executors, administrators and assigns of a Plot Holder.

SERVICES SECTION means the area of a cemetery set aside for eligible military personnel and their spouses or partners as determined by Veterans' Affairs New Zealand

6. NAMES OF CEMETERIES

6.1 The Council operates:

- (a) Terrace End Cemetery;
- (b) Ashhurst Cemetery;
- (c) Kelvin Grove Cemetery.

6.2 Terrace End Cemetery is closed for new grave sites. Cemeteries will be closed in accordance with the Burial and Cremation Act 1964.

7. HOURS FOR FUNERALS, BURIALS AND CREMATIONS

- 7.1 The cemeteries and crematorium gates will be open between the hours of 8.00 am and 8.00 pm during New Zealand summer time and 8.00 am and 6.00 pm during standard time.
- 7.2 Funerals may take place between the hours of 8.00am and 4.00pm on Mondays to Fridays inclusive and 8.00am and 12.00noon on Saturdays. Other times will require the consent of the Council.
- 7.3 Cremations may take place between the hours of 8.00am and 4.00pm on Mondays to Fridays inclusive and 8.00am and 12.00noon on Saturdays. Other times will require the consent of Council.

8. VEHICLES

- 8.1 Every person driving a vehicle within a cemetery must comply with any Council signs controlling traffic or imposing speed limits.
- 8.2 Every person driving a vehicle within a cemetery must give way to a funeral procession.

9 BURIALS

- 9.1 No burial is permitted in a cemetery unless expressly authorised by Council. The Council may set conditions.
- 9.2 Consent for a burial must be sought using Council's Interment Application Form. The Interment Application Form must be received at the cemetery office at least eight (8) working hours before the burial.
- 9.3 Receipt by Council of an Interment Application Form will be sufficient authority to carry out the burial. The Council officer who witnesses the burial must sign the Interment Application Form on completion of the burial.
- 9.4 Council may consent to the burial of a person's ashes, either –
 - (a) in the portion of the cemetery set aside for that purpose, or
 - (b) in any plot subject to a Plot Certificate being issued.
- 9.5 All burials in the Services Section of a cemetery must comply with the requirements of Veterans' Affairs New Zealand.

- 9.6 The minimum depth of a grave must be:
- (a) 1.8m for a single burial, and
 - (b) 2.1m where a second burial is required in the same plot.
 - (c) or a lesser depth determined by Council for burials in the children's area or for interment of ashes

10 SALE OR RESERVATION OF PLOTS

- 10.1 Any person may apply for a Plot Certificate entitling the holder to exclusive right of burial of a dead person or ashes.
- 10.2 The Council may issue a Plot Certificate to a person who wishes to be buried close to a family member.
- 10.3 No person may use a plot in respect of which a Plot Certificate has been issued except with the Plot Holder's consent or the consent of the Plot Holders family.
- 10.4 No person may erect a memorial on the plot in respect of which a Plot Certificate has been issued unless:
- (a) that person is the Plot Holder or the Plot Holders family, or their agent; and
 - (b) interment and other fees are paid; and
 - (c) consent has been obtained from Council.
- 10.5 No person may use a plot as a place of burial for more than one person otherwise than in a manner expressly authorised by the Council. The Council may set conditions.

11 DISINTERMENT

- 11.1 Any disinterment shall be conducted pursuant to section 51 of the Burial and Cremation Act 1964.

12 CREMATION

- 12.1 Cremation must take place in accordance with the Cremation Regulations 1973.
- 12.2 Applications for cremations must be received not less than eight (8) working hours before the time booked for committal.

- 12.3 Before a body will be accepted for cremation, it must be demonstrated to the satisfaction of the Council that the deceased has not been treated with radioactive material within two months prior to death. Otherwise, the safety of cremation must be confirmed by a medical practitioner.
- 12.4 A coffin for cremation shall be made of a non-toxic readily combustible material and be sturdy in nature. The coffin must have a smooth flat exterior base and all lead, iron or zinc linings must be removed prior to presentation for cremation.
- 12.5 The coffin size must not exceed 220cm long x 75cm wide x 48cm deep.
- 12.6 After the coffin has been admitted to the crematorium it must not be opened without the written consent of the person who applied for the cremation.
- 12.7 The Council must act in accordance with the instructions on the 'Register of Cremations' form authorised by the applicant for the disposal of ashes. Ashes must not be held in the crematorium for more than fifteen (15) working days after the cremation. After 15 days the ashes must be returned to the Funeral Director.
- 12.8 The Funeral Director must ensure proper delivery of the coffin directly on the bier or on the catafalque. Once the coffin has entered the crematorium, the coffin must not be removed from the crematorium.

13 MEMORIALS

- 13.1 No person may carry out any work in a cemetery including constructing or altering a memorial other than in a manner expressly authorised by the Council. Consent may be issued on conditions. Work does not include the placement of floral tributes.
- 13.2 Applications for consent to erect a memorial must be made on the Council's Memorial Application Consent form. An application for consent shall be accompanied by:
 - (a) The plans for the memorial including materials and dimensions;
 - (b) The wording of any proposed epitaph or inscription and associated graphics.
- 13.3 A Memorial must meet the following minimum requirements:

- (a) The plan and/or wording and graphics are acceptable to Council,
- (b) The applicant is the Plot Holder, the Plot Holder's family or their agent.
- (c) The foundations and any works described on the plan must comply with either -
 - (i) the requirements of Veterans' Affairs New Zealand in the case of memorials in the Services Section of the Cemetery, or
 - (ii) *NZS 4242:1995 Headstones and Cemetery Monuments* or its amendments, and the Headstone Specifications set by Council and available from the Cemetery Office or the Palmerston North City Council Website,
- (d) The memorial headstone is constructed of granite or some other naturally occurring stone approved by Council.

13.4 The Council may remove or restore to its original condition any memorial that is -

- (a) erected or altered in breach of this bylaw, or
- (b) in such disrepair that the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 apply.

13.5 No person may place memorials, plaques or grave markers within the Gardens of Remembrance.

14 FLORAL TRIBUTES AND OTHER ITEMS PLACED ON GRAVES

14.1 Floral tributes or items may be placed on the soil of a grave following a burial within the lawn cemetery, provided they are removed within 12 months of burial

14.2 After 12 months from burial, no person may place or leave floral tributes or items on a grave unless:

- (a) all components are made of unbreakable materials and are confined to the headstone and base area; or
- (b) the grave is within the Children's area of the cemetery

14.3 No plants, shrubs or trees shall be planted on any grave within the lawn cemetery with the following exceptions:

- (i) owners of burial plots in the children's area of the cemetery may plant flowers and small shrubs on the grave site. Owners of the plots shall be responsible for maintenance of such plantings.
- (ii) owners of Garden Kerb sites may plant flowers and small shrubs in the garden directly behind the plaque. Owners of the plots shall be responsible for maintenance of such plantings.

14.4 (a) The Council may remove any items placed on a grave in contravention of clauses 14.1 and 14.2.

(b) The Council may maintain, prune or remove any neglected plantings on a grave permitted under clause 14.3.

15 MISCONDUCT

15.1 No person may, in or near any part of a cemetery or the crematorium, prevent, interrupt or delay a burial or cremation.

15.2 No person may, in or near any part of a cemetery or the crematorium, cause a nuisance or engage in objectionable behaviour.

15.3 No person may remove an object from a cemetery without the consent of Council unless this is done as part of maintaining a grave in which the person has a legitimate interest.

16 COMMERCIAL ACTIVITIES

16.1 No person may, while in a cemetery, advertise or solicit custom for any commercial purpose. This does not prohibit the identification of the supplier or installer of the headstone as approved by Council.

16.2 No person may, without the consent of the funeral director or Council, take photographs for a commercial purpose while on a cemetery

17 FEES AND OTHER MATTERS

17.1 The Council may by resolution, publicly notified, set fees for all services related to the operation and maintenance of cemeteries and crematoria including but not limited to:

- (a) Burials and disinterments;

- (b) Cremations;
- (c) Cremations and burials outside normal hours;
- (d) Exclusive right of burial;
- (e) Reservation of a plot;
- (f) Headstone and memorial permits;
- (g) Headstone removal or restoration work; and
- (h) Records searches.

17.2 The scale of fees and charges will be available from the Customer Service Centre of Council, the Cemetery Office and on the Council website.

17.3 Plot purchase fees will not be refunded once burial or interment of ashes, has taken place.

17.4 The Council may by resolution:

- (a) set specifications for headstones;
- (b) specify terms and conditions for the purchase of plots;
- (c) prescribe forms to give effect to this bylaw;
- (d) prescribe minimum standards for burials and cremations.

17.5 The Council may remove anything or work placed in a cemetery contrary to this bylaw or which is:

- (a) likely to constitute a hazard; or
- (b) likely to cause offence; or
- (c) likely to impede the effective management of a cemetery.

18 RECORDS

18.1 Burial and cremation records for the three cemeteries administered by Council are available on the Palmerston North City Council website.

18.2 Cremation records will be stored in accordance with the Cremation Regulations 1973.

18.3 Every plot in the cemetery must be identified by a number, which must be recorded on a plan kept in the Cemetery Office. The plan will be open for inspection at the Kelvin Grove Cemetery Office, without fee, between the hours of 9.00am and 12 noon on weekdays.

18.4 The Council must keep a record of all Plot Certificates and all burials.

19. **PENALTIES**

19.1 Any person who acts in breach of this bylaw commits an offence and is liable, on summary conviction, to a fine of up to \$20,000