



# **PALMERSTON NORTH CEMETERIES AND CREMATORIUM BYLAW 2008**

(incorporating amendments as at 9 September 2013)

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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 AND APPLICATION**

This bylaw comes into force on 1 November 2008.

Amendments to this Bylaw will come into force on the date(s) specified in Schedule One to this Bylaw.

This Bylaw applies to all of Palmerston North City including areas formerly within the boundaries of Manawatu District that are now under the jurisdiction of Palmerston North City pursuant to the Local Government (Manawatu District and Palmerston North City) Boundary Alteration Order 2012. The order came into force on 1 July 2012 and the areas it applies to are shown on maps deposited with the Local Government Commission.

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The Palmerston North Cemeteries and Crematorium Bylaw 2004 is repealed with effect from midnight on 31 October 2008.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

**NATURAL CEMETERY** means a cemetery, or part of a cemetery, specifically set aside for natural burials.

**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 (*repealed*)**

**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) 1.6m 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

## **9A NATURAL BURIALS**

- 9A.1 Only natural burials may be permitted in a natural cemetery, subject to the express authorisation by Council. The Council may set conditions.
- 9A.2 Consent for a natural 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.
- 9A.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 natural burial.
- 9A.4 Council may consent to the burial of a person's ashes in a natural cemetery, to allow a person's ashes to be buried close to a family member, and subject to a Plot Certificate being issued.
- 9A.5 For a natural burial, the maximum depth of a grave must be no more than 1000mm, and the minimum depth of cover must be 400mm.
- 9A.6 A second burial in a single plot is not permitted in a natural cemetery.

## **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.
  - (e) Memorial markers placed within a natural cemetery must be engraved wooden plaques measuring no greater than 250mm x 150mm, positioned on a wooden post projecting no higher than 300mm from the ground surface.
- 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.
- 13.6 Notwithstanding clause 13.3(e) of this Bylaw, no permanent memorials or headstones are permitted in a natural cemetery.

## **14 FLORAL TRIBUTES AND OTHER ITEMS PLACED ON GRAVES**

- 14.1 Floral tributes or items may be placed on or in the soil of a grave following a burial within the lawn cemetery, provided they are continuously maintained to a reasonable standard of tidiness, subject to annual approval by the sexton and up to a maximum period of five years.
- 14.2 After five years from burial, all floral tributes and items placed on or in the soil of a grave must be removed, 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, floral tributes or other items placed on or in the soil of a grave under clauses 14.1 or 14.3 of this Bylaw.

14.5 Tributes may be placed on a grave within a natural cemetery provided that:

(a) only non-permanent, floral tributes are used; and

(b) no artificial or manmade materials are used in the tribute.

14.6 A single tree may be planted on a grave within a natural cemetery, subject to conditions set by the Council.

## **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 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

## Schedule One – Commencement of amendments

The following amendments to the Cemeteries and Crematorium Bylaw 2008 were adopted by the Palmerston North City Council, and come into force, on the dates shown below:

<b>Amendments</b>	<b>Date amendment adopted</b>	<b>Date amendment comes into force</b>
Clause 3- amend title to “Commencement and Application” and insert reference to new Schedule One for adoption and commencement of amendments, and to explicitly extend the application of the Bylaw to the entire Palmerston North district	28 August 2013	9 September 2013
Clause 5 – add new definition for “Natural Cemetery.”	28 August 2013	9 September 2013
Clause 6 – “Names of Cemeteries” is deleted	28 August 2013	9 September 2013
Clause 9.6(a) – amend the minimum grave depth from 1.8m to 1.6m	28 August 2013	9 September 2013
Clause 9A – “Natural Burials” is added	28 August 2013	9 September 2013
Clause 13.3(e) – reference to memorial markers in natural cemeteries is added.	28 August 2013	9 September 2013
Clause 13.6, prohibiting permanent memorials in natural cemeteries, is added.	28 August 2013	9 September 2013
Clauses 14.1 and 14.2 are amended, permitting floral tributes in or on the soil of a grave for up to five years, subject to annual review and approval by the sexton, after which time all items must be removed or moved to the base of the headstone.	28 August 2013	9 September 2013
Clause 14.4(b) is amended to enable the Council to maintain floral tributes or other items placed on or in the soil of a grave under clauses 14.1 or 14.3	28 August 2013	9 September 2013
Clause 14.5, regulating tributes in natural cemeteries, is added.	28 August 2013	9 September 2013
Clause 14.6, permitting the planting of trees in natural cemeteries, is added	28 August 2013	9 September 2013
Clause 18.1, relating to the	28 August 2013	9 September 2013

keeping of cemetery records, is amended to remove reference to the number of cemeteries for which records are kept.		
Schedule One – new schedule is added to identify the amendments, the date of adoption, and the date those amendments come into force.	28 August 2013	9 September 2013