

CHAPTER 6 - CEMETERIES

The Marlborough District Council hereby makes by resolution the following Chapter 6 of the Marlborough District Council Bylaw 2010 pursuant to the powers contained in the Burial and Cremation Act 1964 and in Sections 145 and 146 of the Local Government Act 2002 and any other Act or authority in any way enabling the Council in that behalf.

601 Burials and Sale of Plots

- 601.1 Burials may be made in accordance with this Bylaw in any cemetery vested in the Council or under its control.
- 601.2 In a cemetery that is legally closed, burials are not permitted except;
- a) in reserved plots that are vacant, or
 - b) pursuant to Section 42 of the Burial and Cremation Act 1964.
- 601.3 Burial plots may be sold on such terms and conditions as may be decided by the Council.

602 Burial Plots

- 602.1 A burial may take place only;
- (i) with the Manager's authorisation, or
 - (i) when the exclusive right of burial has been purchased, and the full purchase price has been paid.
- 602.2 A request for the Manager's authorisation for a burial must be made in writing in the form specified by the Council.
- 602.3 The Sexton will determine in which plot a burial may take place.
- 602.4 No fence or headstone may be erected at a burial plot prior to interment, unless the exclusive right of burial has been purchased.
- 602.5 Any person may purchase the exclusive right of burial in a particular plot, subject to such conditions as Council may specify. Such exclusive right of burial is for the period determined by the Council.

603 Provision for all Interments

- 603.1 No burial may be made in any cemetery unless an interment warrant has been issued by the Manager.
- 603.2 An application for an interment warrant must be made in the form required by the Council and must be accompanied by such evidence of death as is acceptable to the Manager.

603.3 An interment warrant will not be issued unless the fee for interment has been paid, except when the interment is under the control of a funeral director and the Manager has agreed that the fees may be paid by the funeral director on such terms as may be agreed by the Manager.

603.4 No burial may take place until the interment warrant has been delivered to the sexton.

603.5 The Sexton must be contacted to arrange an appropriate time for an intended burial. Such arrangements must be made two working days in advance of the burial.

604 Warrant is Authority for Burial

604.1 Receipt of an interment warrant by the sexton is sufficient authorisation for a burial.

604.2 After a burial the sexton must sign the interment warrant.

605 Hours for Burials

605.1 A burial or burial of ashes in a cemetery may only be held and completed on any week day between the hours of 8.00 am and 4.30 pm, or such other hours or days as the Council may determine.

605.2 An additional fee will be charged for Burials or burials of ashes not completed within the time specified by the Council.

606 Digging Graves

606.1 In any part of a cemetery no person other than the sexton, the sexton's assistants or a person authorised by the Council may:

- (i) Dig any grave; or
- (ii) Open the ground for burial or for the burial of ashes.

The minimum depth of cover for any coffin is one metre.

606.2 No person may dig a grave or open the ground for burial or for the burial of ashes except in the manner authorised by the Council.

607 Burial of Ashes

607.1 An urn containing the ashes of any deceased person may be buried in the special portion of the cemetery set aside for that purpose or in

any plot that is subject to an exclusive right of burial, with permission of the Council, after the required fees are paid.

608 **Fees**

608.1 The fees required by this Chapter of this Bylaw are determined by Council resolution publicly notified. Such fees may be waived by the Manager if he or she thinks fit.

608.2 A fee is payable for:

- (i) inspection of the cemetery plan or records, and
- (ii) a signed extract of the cemetery plan or records.

609 **Fencing, Tombstones, Etc**

609.1 Holders of an exclusive right of burial in any cemetery (other than a memorial park or plaque lawn cemetery) purchased prior to 1 June 1991 may surround the plots of ground allotted with kerbing in permanent materials with the prior consent of Council. Council may refuse consent to the erection of fencing, kerbing or plantings or impose conditions on any consent granted.

609.2 Foundations for kerbs, headstones, monuments and vaults must be laid to the satisfaction of the Council and in compliance with sound engineering principles.

609.3 Every person who encloses any plot of ground must do all the levelling and maintenance at their own cost and in accordance with any Council requirements.

610 **Maintenance of grave sites**

610.1 All kerbs, enclosures, headstones, and other monuments must be kept in proper order or repair by the owners of plots or their representatives.

610.2 If monuments, tablets and fences or erections of any kind fall into a state of decay or disrepair, and no-one is available to repair them, they may be removed from the cemetery by the Council. A photographic record of the plot will be made before such removal, and will be kept with cemetery records.

611 **Shrubs and Trees**

611.1 Plants in any cemetery may be trimmed, removed or cut down by

order of the Manager.

- 611.2 No person may plant any plants in a cemetery without the prior consent of the Manager.

612 Works in Cemeteries

- 612.1 Repair of any headstone or fence, or other work in, on, or around any grave, or construction or repair of any vault, in any cemetery may only be undertaken with the written permission of the Council.
- 612.2 The Council may require a deposit to be paid prior to granting permission to undertake work in any cemetery. Such deposit will be refunded when the work is completed to the sexton's satisfaction.
- 612.3 The Council may require people working in cemeteries to store their materials and in equipment in buildings constructed for that purpose, and may charge fees for the use of such buildings.

613 Vehicles

- 613.1 No person shall take any vehicle into any cemetery except during the hours between sunrise and sunset, or at any other time with permission of the Council.
- 613.2 No person shall permit any vehicle under their control to remain in any cemetery after sunset except with the Council's permission.
- 613.3 No person may drive a vehicle in any part of a cemetery other than on roads open for vehicular traffic, except with the permission of the Council.
- 613.4 No person shall drive any vehicle in a cemetery at a greater speed than 20 km/hr.
- 613.5 Every person in control of any vehicle in a cemetery must stop or move the vehicle as directed by the sexton or his or her assistant.

614 Removal of Fences, Headstones, Plants, Etc

- 614.1 No person may remove any kerb, headstone, monument or tablet from any grave or any cemetery unless the Council's permission has previously been obtained.
- 614.2 Except where otherwise provided in this Chapter of this Bylaw, no person may remove any item from any cemetery unless the Council's permission has been previously obtained.

615 Misconduct

615.1 In any part of any cemetery no person shall by any violent or improper behaviour, prevent, interrupt or delay any funeral service.

615.2 No person shall use the cemetery for any disorderly or immoral purpose.

616 Animals

616.1 No person shall allow any animal under his or her control or ownership to enter any part of a cemetery, except with the Manager's permission.

617 Advertising

617.1 In any cemetery no person may advertise or solicit any order or custom from any person.

618 Disinterment

618.1 Disinterment pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 is subject to the payment of fees determined by the Council.

619 Plots to be Dug at Extra Depth

619.1 Plots are dug at extra depth to allow for a second interment unless the Council otherwise directs.

MEMORIAL PARK (BERM OR GARDEN) CEMETERIES

620 Interments

620.1 Where interments are made in the ground of a cemetery used as a memorial park (berm or garden cemetery) no monument other than a headstone approved by the Council may be erected, and nothing may be planted except with the prior approval of Council.

621 Erection of Memorials

621.1 The Council may construct a continuous concrete berm as the foundation on which memorials may be placed. The dimensions of the berm will be determined by Council.

- 621.2 On tilted memorial areas, the memorials including bases shall not stand any higher than 400 mm above the highest point of the concrete berm. There must be a minimum of 150 mm clearance between the memorial (front and back) and the outside edge of the concrete berm.
- 621.3 At the head of the plot, no memorial shall be wider than one metre in the case of a single plot or double depth plot, or two metres in the case of a double width plot.
- 621.4 Upright memorials shall be no higher than 1200 mm unless otherwise authorised by Council, and must comply with any specifications the Council may determine are necessary to ensure stability.
- 621.5 Memorials may be of granite, or similar suitable material approved by the Council. Concrete shall be finished in grey cement, or in colour cements with the Manager's approval.
- 621.6 In constructing bases and in erecting memorials, roads, paths and other allotments must not be damaged. Any such damage (including damage to turf) will be repaired at the cost of the person causing such damage.

622 Vases or Containers

- 622.1 All vases or containers for flowers shall be placed in insets set into the base on which the memorial stands.

FLAT PLAQUE LAWN CEMETERIES

623 Structures, Plaques and Tablets on Plots

- 623.1 In any flat lawn cemetery no person shall:
- (i) Erect any structure on or around any plot; or
 - (ii) Construct or place any structure that projects above the level of the ground at any plot; or
 - (iii) Place more than one memorial plaque per plot; or
 - (iv) Place any memorial plaque on any plot
- without the prior permission in writing of the Manager and in compliance with the following conditions:
- (a) Any memorial plaque must be made of a permanent

material approved by the Council; and

(b) The plaque must be of a size and in a position approved by Council; and

(c) The appropriate fee has been paid.

624 Dimensions of Plots

624.1 The dimensions of plots are determined by Council.

625 Wreaths

625.1 During a period of five days following interment, or such other period as the Council decides, wreaths or other floral tributes may be placed on a plot other than in the approved receptacle referred to in 622.1 above. Such wreaths or floral tributes not removed at the expiry of this period may be removed by the sexton.

626 Special Receptacle for Flowers

626.1 Except during the period of 5 days following interment or other such period as Council decides, flowers and foliage may only be placed on a plot in an approved receptacle.

626.2 The approved receptacle shall be installed adjoining any tablet or plaque on the side nearest the head of the plaque.

626.3 Every part of the receptacle shall be 50 mm or more below the level of the adjoining ground surface.

626.4 The sexton may remove damaged receptacles or receptacles not approved by the Council and may also remove dead flowers and foliage.

627 Forms

627.1 Where in any part of this Bylaw a form is prescribed, a form similar to the prescribed form is acceptable.

627.2 Council may vary any prescribed form from time to time as it thinks fit.

628 Fines For Breach of Bylaw

628.1 Any person breaching the provisions of this Chapter of this Bylaw is

subject to a fine not exceeding \$500.00 or, where the breach is a continuing one, a fine not exceeding \$50.00 for every day or part of a day during which the breach has continued.