

CHAPTER 12

CEMETERIES

CEMETERIES

1201 **PRESCRIBED FEE** means the fee payable for a service as stated in the fees and charges section of the Council's Annual Plan.

1202 **BURIALS AND SALE OF PLOTS**

1202.1 Burials may be made in any cemetery for the time being vested in the Council or under its control and not closed in a manner provided by law in that behalf subject to the conditions prescribed in this Part of this bylaw.

1202.2 Burial plots shall be sold upon such terms and conditions as may be decided by the Council and the exclusive right of burial may be granted for such limited period as the Council resolution decides.

1202.3 In the special area of the cemetery set aside for the interment of returned services personnel, the interment of the surviving legal spouse in the same plot as the returned services person is authorised subject to:

- the first interment in any returned services plot being of the ex-service person, and to
- the first interment being to a minimum depth of not less than 1.8 metres.

1203 **PROVISIONS FOR ALL INTERMENTS**

1203.1 No burial whatever shall be made in any cemetery without a burial warrant for that purpose obtained from the Authorised Officer.

1203.2 In all cases of intended burials, the funeral director or person having the management or control of the same, shall complete an application form for a warrant for burial, and shall produce such evidence of death as may be required. The authorised officer shall grant such warrant by completing the form of Warrant to Bury in Cemetery.

1203.3 Notification of the intended burial shall be given to the sexton at least thirty-six hours prior to the time fixed for the funeral, and no such burial shall take place until the delivery to the sexton of the application for a burial warrant has been made.

1204 **WARRANT TO BE AUTHORITY TO SEXTON**

1204.1 The burial warrant application when received by the sexton, shall be sufficient authority to him/her for such burial, and after the burial he/she shall complete the burial warrant.

1205 **HOURS FOR INTERMENTS**

1205.1 Funerals may be held on any day of the week between the hours of 8.00 am and 4:30 pm.

1206 **SEXTON ONLY TO DIG GRAVE AND ASHES GRAVE**

1206.1 No person other than sexton, shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of any grave other than for cremated remains shall be 1.8 metres and the minimum depth of cover for any coffin shall be not less than 1 metre. The minimum cover for cremated remains shall not be less than 400 mm.

1207 **BURIAL OF ASHES**

1207.1 Upon application being made in that behalf and the prescribed fees paid to the Council the 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 subject to an exclusive right of burial.

1208 **PURCHASE OF THE EXCLUSIVE RIGHT OF BURIAL**

1208.1 Every application for the purchase of the exclusive right of burial for such limited period as the Council by resolution decides in any part of the cemetery shall be on the application form for exclusive right of Burial.

1208.2 An agreement for sale of exclusive right of burial shall be entered into between the Council and the purchaser, and the purchaser shall pay the prescribed fee for such exclusive right of burial.

1208.3 Upon satisfactory proof being given to him of the original having been lost, and upon payment to him/her of the prescribed fee there for, the Authorised Officer may issue to the person entitled thereto a duplicate of such agreement. Should the original subsequently be found, any person holding such duplicate shall return the same immediately to the Chief Executive for cancellation.

1208.4 No burial shall take place in any plot in respect of which the exclusive right of burial shall be held by any person unless such person shall have consented to such burial in the form set out in the Sixth Schedule thereto or the funeral director has satisfied himself/herself that such burial is authorised.

1209 **PURCHASER OR OWNER OF PRIVATE GROUND MAY TRANSFER**

1209.1 Any purchaser or owner of the exclusive right of burial in any plot in which no burial has taken place may, with the consent of the Council, transfer his/her interest in such ground to any other person upon payment of the prescribed fee.

1209.2 Where an exclusive right of interment has been purchased the Council may, in lieu of consenting to any such transfer, require the holder of such right to surrender the same to the Council upon payment to the holder of half the current prescribed fee and any such holder shall comply with any such request.

1210 **KEEPING GRAVES IN ORDER**

1210.1 The Council may agree to keep any grave in any open cemetery in order upon payment of prescribed fees.

1211 **LAPSING OF APPLICATIONS**

1211.1 Any application for the purchase of the exclusive right of burial in any plot or ground not previously used for interment shall lapse unless the purchase is completed by payment within six calendar months from the date of the application.

1212 **KEEPING IN ORDER**

1212.1 All kerbs, enclosures, tombstones, headstones, and other monuments shall be kept in proper order or repair by the purchasers of plots or their representatives or assigns. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets, and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of the Council subject to Section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit

removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.

1213 **SHRUBS AND TREES**

1213.1 Shrubs planted in any portion of any cemetery may at any time be trimmed, removed, or cut down by order of the Council.

1213.2 No tree shall be planted in any cemetery by any person without the consent of the Council being first obtained.

1214 **WHAT FEES COVER**

1214.1 The interment fees stated in the Annual Plan (except those specified for keeping graves in order) do not include payment for any work required to be done beyond the actual digging of an ordinary grave, and, after burial, filling in the same.

1215 **VAULTS**

1215.1 No person shall construct any vault, brick or walled in graves in any cemetery owned or operated by or on behalf of the Council.

1216 **DEPOSIT OF MATERIALS**

1216.1 No monumental mason or other person erecting or repairing any headstone, monument, fence, or other work in, on, or around any grave, in any cemetery shall make use of any footpath or other part of such cemetery for placing or depositing there any materials in connection with the work of such erection, construction, or repair for a longer time than is reasonably necessary for the purpose of completing such work; any such mason or other person who, after service upon him of a notice in writing signed by the Authorised Officer, requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any materials from such cemetery, shall be liable to prosecution for any offence against this Part of this bylaw.

1216.2 No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

1216.3 The Council may construct sheds or other buildings for the storage of materials belonging to such masons or other persons, and may make such charges for the use of the same and for the supply of turf or of water or for such other services whatsoever as the Council may from time to time fix by resolution.

1216.4 If the Council so requires, a damage deposit as listed in the fees and charges section of the Council's Annual Plan shall be lodged with every application for a permit to carry out any work. Such deposit shall be refunded when the work has been completed to the satisfaction of the facilities management contractor.

1216.5 If the Council shall provide any such shed or building, the Council may require any such mason or other person to remove either from the cemetery or into such shed or building all tools and other materials, and any such mason or other person failing to comply with any such direction shall be liable to prosecution for an offence against this Part of this bylaw.

1217 **VEHICLES**

1217.1 No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as the Council in any particular case by resolution decides.

1217.2 No person shall permit any vehicle of any kind under his control to remain in any cemetery after sunset on any day without the permission of the Council.

1217.3 No person in control of any vehicle unless authorised by the Council shall drive or conduct the same or permit the same to be on any part of any cemetery except the roads open for vehicular traffic.

1217.4 No person shall drive or conduct any vehicle of any kind in any cemetery at a greater speed than 10 km/h, or than indicated on any road within any cemetery.

1217.5 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

1217.6 Every person driving or conducting any vehicle in any cemetery shall stop or move such vehicle as directed by the facilities management contractor.

1217.7 No person shall drive or conduct any vehicle in any cemetery except in the direction indicated by traffic notices.

1218 **REMOVAL OF FENCES, HEADSTONES, PLANTS, ETC.**

1218.1 No monumental mason or other person shall, without permission of the Council, remove from any cemetery or from any grave any kerb, headstone, monument, or tablet.

1218.2 No person shall, without authority, remove, or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that the Council may cause to be removed any neglected or broken material of this nature.

1219 **MISCONDUCT**

1219.1 No person shall, in any part of any cemetery, by any violent or improper behaviour, prevent, interrupt, or delay the funeral service.

1220 **SOLICITING OF ORDERS**

1220.1 No person shall, in any cemetery, advertise for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed, or used in any cemetery.

1221 **INTERMENT CHARGES: POOR PERSONS**

1221.1 Where application is made to the Council for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Council a poor persons certificate duly signed by him/her certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this Part of this bylaw, and that his relatives and friends are unable to pay the same.

1222 **DECEASED SERVICEMEN – DISINTERMENT & REINTERMENT**

1222.1 Notwithstanding anything to the contrary contained in this Part of this bylaw, the fee payable to the Council for the disinterment of any deceased serviceman and the reinterment thereof in the war graves section of the cemetery, if application is made therefore by the Department of Internal Affairs, shall be as may be agreed upon between the parties from time to time.

1223 **DISINTERMENT**

1223.1 Where an application for a disinterment is received by a 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 by resolution decides.

1224 **INTERMENTS**

1224.1 No fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the Council, and no kerbings shall be erected anywhere within the precincts of the cemeteries, apart from structures to replace existing derelict ones.

1225 **PURCHASE OF ALLOTMENTS**

1225.1 Any person may purchase allotments upon payment of the prescribed fees. The number of plots to be sold at any one time shall be left to the discretion of the Council.

1226 **ERECTION OF MEMORIALS**

1226.1 The Council shall construct or cause to be constructed a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability, ranging from 650 mm if underground set on solid sub-soil, to 1.0 m if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.

1226.2 Concrete based work for all memorials shall not stand higher than 150 mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of no more than 450 mm and shall, where required, allow insets for flower containers.

1226.3 On surface berms (or platforms) a space of 150 mm clear of such memorial foundation base shall be maintained, both front and back.

1226.4 No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot, or 2m in the case of a double width (family) plot, nor higher than 1500 mm from the concrete platform at ground level provided by the Council.

1226.5 Any memorial erected in the cremated remains section of the cemetery shall be of a granite or other material approved by the Council, set on a concrete base provided by the Council, and shall not exceed 400 mm in width, 330 mm in height and 75 mm in depth. Such memorials must be set off centre on the concrete base, 50 mm on the left hand side facing the plot base and 150 mm on the right hand side with the reverse to apply, depending on the location of the plot.

(Note - (1) The concrete foundations run in a North/South direction and the above requirement is to ensure uniformity in the location of memorial plaques. The offset location is to allow the provision of an aluminium flower container in line with the plaque.)

(Note - (2) An exception to the above is that in the cremated remains area a special raised and inclined berm has been prepared for the erection of plaques. Such plaques shall measure 330 mm x 200 mm and be securely attached to the special concrete berm.)

1226.6 No erected memorial shall be of any other material than granite, or similar suitable material approved by the Council. Concrete shall be finished in grey cement; no coloured cements shall be added or used.

1226.7 In constructing bases and in erecting memorials, the adjoining roads, paths or allotments shall not be injured.

1227 **SHRUBS, TREES AND FLOWERS**

1227.1 No shrubs, trees or flowers shall be planted and maintained in the cemetery except such as shall be planted as and where directed by the Council or its duly authorised officer.

1228 **STATUARY**

1228.1 Statuary may be permitted within a memorial park cemetery subject to any conditions and requirements of the Council.

1229 **VASES OR CONTAINERS**

1229.1 All vases or containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by the Council.

SCHEDULES

FIRST SCHEDULE

STRATFORD DISTRICT COUNCIL

CEMETERY CHARGES

Refer to Stratford District Council's Charge Out Rates Manual.

SECOND SCHEDULE

STRATFORD DISTRICT COUNCIL

APPLICATION FOR INTERMENT AT KOPUATAMA CEMETERY

This form must be presented to the Sexton AT LEAST 36 hours prior to the interment.

Name of Person Interred _____

Late Residence _____

Date of Death _____ Age _____ Occupation _____

Family Contact Person _____ Relationship to Deceased _____

Their Address _____

Plot : New Purchase Yes / No 1 Plot 2 Plots _____ Plots

Plot : Previously Purchased Yes / No Date Paid _____

Block _____ Plot _____

Plot/s Reserved for Future Block _____ Plot _____

Plot Type Ashes : RSA Public Area - Plaque Public Area – Headstone
 To be interred in previously purchased full burial plot

Burial : RSA Public Area

Casket Detail

Casket Detail Lid incl. Overhangs of handles etc contractor to add allowances for all round clearance in grave

Depth of Plot

- Shaped
- Oblong
- Std Size
- Oversize
- Ashes Urn
- Other : Please specify

Width head _____
Width shoulders _____
Width Foot _____
Length _____
Height _____

- Excavate to
- Std Single Depth
 - Std Double Depth

Burial Requirements

- Extra Shovels
- Prior site inspection

Other Requirements _____

Date of Funeral _____ Time of Service _____ Time of Burial _____

Minister Officiating _____

Funeral Director _____

Interment of Ashes : Date of Burial _____ Time of Burial _____

Fees Payable Plots _____ Plot Cost \$ _____ Total Cost of Plots \$ _____

Interment Fees \$ _____

Extra Charges \$ _____

Administration \$ _____

Total Payable \$ _____

Person/Solicitor Responsible for Payment of Fees – Name _____

Address _____

Signature _____ Name _____

For Office Use Only

Warrant Number _____

THIRD SCHEDULE

STRATFORD DISTRICT COUNCIL

WARRANT OF SEXTON TO BURY IN CEMETERY

WARRANT NO. _____ Ashes / Burial (delete one)

Date _____

Person Interred _____

Late Residence _____

Occupation _____

Age _____ Date of Death _____

Block _____ Plot _____

Minister Officiating _____

Funeral Director _____

Name of Nearest Relation _____

Address _____

Plot already/not purchased _____

The sexton in charge of the Kopuatama Cemetery is authorised to inter as above the body of:

per _____

CHIEF EXECUTIVE

The body of _____

was interred by me as above on _____ day of _____ 20_____

SEXTON _____

The above Warrant must be returned to the Council Offices immediately after interment of the body.



STRATFORD
DISTRICT COUNCIL

Miranda Street
PO Box 320
STRATFORD

KOPUATAMA CEMETERY

Reservation of Burial Plot

This is to certify that _____ has paid the sum of \$_____ for _____ plot of ground in Kopuatama Public Cemetery, being Plot ____ in Block _____.

Signed : _____

Fiona Harvie

On behalf of Stratford District Council

Receipt No. : _____

Date : _____

Contact Address : _____

Phone : _____

FIFTH SCHEDULE

STRATFORD DISTRICT COUNCIL

AGREEMENT FOR SALE OF EXCLUSIVE RIGHT OF BURIAL

AGREEMENT made this _____ day of _____ 20____, between the Stratford District Council (hereinafter referred to as "the Council") of the one part and _____ of _____ in New Zealand (hereinafter called "the purchaser") of the other part, whereby, the Council agrees to sell to the purchaser who agrees to purchase the exclusive right of burial in Block No. _____ Plot _____ on the plan showing the subdivision into plots of the cemetery established by the Council at _____ and known as the _____ Cemetery which plan has been prepared by the Council and is deposited in the office of the Authorised Officer thereto.

The purpose money for the said exclusive right shall be the sum of \$_____ which sum excludes the additional charges incurred for out of district burials, and has this day been paid by the purchaser to the said Council the receipt whereof is hereby acknowledged.

In the event of the death of the purchaser the Council, before permitting any burial in the abovementioned plot, may require satisfactory evidence of the devolution of the right to ownership of the said right of burial and of the right of any deceased person to be buried in such plot.

This agreement is made subject to the provisions of the bylaw relating to cemeteries made by the Council. In witness whereof these presents have been executed the day and year first before written.

The common seal of the _____ was hereunto affixed pursuant to a resolution of the Council in the presence of:

AUTHORISED OFFICER

Signed by the said _____ as purchaser in the presence of:

WITNESS: _____

OCCUPATION: _____

ADDRESS: _____

SIXTH SCHEDULE

STRATFORD DISTRICT COUNCIL

FORM FOR AUTHORITY TO INTER

I, _____ of _____ being the owner of Plot
_____ in Block _____ the _____ Cemetery do hereby authorise the Sexton of
_____ Cemetery to bury the late _____ of
_____ in the above plot.

DATE: _____

SIGNED: _____

WITNESSED BY: _____

OF: _____

SEVENTH SCHEDULE

STRATFORD DISTRICT COUNCIL

To the Authorised Officer
Stratford District Council

I, _____ do hereby certify that I was personally acquainted with _____ (now deceased) for a period of _____ years _____ months prior to his/her death and that such deceased person has not left sufficient means to pay the ordinary charge for interment fixed by bylaw, and that his/her relatives and friends are unable to pay the same.

Dated at _____ this _____ day of _____ 20____.

SIGNATURE: _____

EIGHTH SCHEDULE

STRATFORD DISTRICT COUNCIL

To the Chief Executive
Stratford District Council

BURIAL OF _____

I, _____ of _____ being _____ of deceased do hereby declare that, to the best of my knowledge and belief, the abovenamed deceased did not leave any assets available for, or make provision for the purchase of a cemetery plot and that I am not in a financial position to arrange for the purchase of a cemetery plot.

SIGNED: _____

ADDRESS: _____

WITNESS: _____

To the best of my knowledge and belief the above mentioned statement is correct.

JUSTICE OF THE PEACE
SOLICITOR
MEDICAL PRACTITIONER
MINISTER OF RELIGION

Burial And Cremation Act 1964

9 Powers as to vaults, monuments, etc

The following provisions shall apply with respect to the digging, making, erection, placing, and maintenance of graves, vaults, monuments, and tablets:

(a) The local authority may, upon payment of the prescribed fees, permit any grave or vault to be dug or made, and any monument or tablet to be erected or placed, in a cemetery as it thinks proper:

(b) When any person desires to erect a monument in a cemetery he shall submit a plan of the proposed monument to the local authority which may at its discretion grant or refuse permission for such erection:

(c) The local authority shall determine and fix the position of any monument proposed to be erected, according to the description, size, and character thereof, having regard to the general plan for ornamenting the cemetery in an appropriate manner, and may require that any such monument be erected with such precautions as it may think necessary for the protection of persons frequenting or working in the cemetery at any time thereafter:

(d) Subject to the provisions of this Act, any person who has dug or made a grave or vault or erected a monument or placed a tablet in accordance with any permission granted by the local authority in that behalf, and has paid the prescribed fees, shall be entitled to maintain such grave, vault, monument, or tablet according to the terms of such permission to and for the sole and separate use of such person and his representatives and successors in perpetuity, or for the time limited in such permission:

(e) Without prejudice to the powers conferred by paragraphs (a) to (d) of this section the local authority may prohibit generally the erection in a cemetery, or in such part of a cemetery as it may designate for the purpose,—

(i) Of any monuments other than monuments of a specified size or type; or

(ii) Of any monument and the placing of any tablet otherwise than slightly below the level of the surrounding ground or in such other place or position as the local authority may specify, but so that a reasonable area remains available in a cemetery under the control of the local authority for the erection of monuments, whether of a specified size or type or not as the local authority thinks fit:

(f) The local authority may enter into agreements to maintain, either in perpetuity or for specified periods, the graves in a cemetery:

(g) If any monument is erected, or any tablet is placed, otherwise than in accordance with the terms and conditions on which permission was granted, or in a place prohibited by the local authority for the purpose, the local authority may take down or remove such monument or tablet:

(h) Where any monument or tablet is, or in the opinion of the local authority is, a danger to persons frequenting or working in the cemetery, the local authority shall make the monument or tablet safe or shall take it down or remove it:

(i) No body shall be buried under any church, chapel, or crematorium or within [5 metres] of the outer wall of any church, chapel, or crematorium.

Compare: 1908 No 19 ss 30, 30A(1), 62

History Note - Statutes of New Zealand

Paragraph (i) was amended, as from 9 October 1975, by s 2(1) Burial and Cremation Amendment Act 1975 (1975 No 63) by substituting the expression “5 metres” for the expression “15 feet”.

Commentary - Local Government Law - Associated Legislation

Synopsis

This section states the powers of a local authority with respect to the digging, making, erection, placing, and maintenance of graves, monuments, etc.

(Stratford District Council By-laws Reference : Section 1212.1)