

WAIROA DISTRICT COUNCIL

CONSOLIDATED BYLAW



PART 6 – CEMETERIES BYLAW 2022

TABLE OF CONTENTS

1.0	Introduction	3
1.1	Title	3
1.2	Commencement	3
1.3	Repeal	3
1.4	Application of Bylaw	3
1.5	Purpose	3
1.6	Context	3
1.7	Definitions	4
2.0	Burials and Exclusive Right of Burial	8
2.1	Burials	8
2.2	Exclusive Right of Burial	8
2.3	Purchase of Exclusive Right of Burial	9
2.4	Lapsing of Application for Exclusive Right of Burial	9
2.5	Transfer of Ownership of Exclusive Right of Burial	10
2.6	Lapse of Ownership of Exclusive Right of Burial	10
3.0	Payment	10
3.1	Fees	10
3.2	Out of District Fees	10
3.3	Burial of Persons in Financial Need	11
3.4	Deceased Services Person	11
4.0	Burial Approval	12
4.1	Requirement	12
4.2	Application for Burial	12
4.3	Issue of Burial Approval	12
4.4	Notice in Advance	12
4.5	Authority to Bury	12
5.0	Services and Burials	13
5.1	Hours of Services and Burials	13
5.2	Notice of Burial	13
5.3	Responsibility for Arrangements	13
5.4	Burials Outside of Council Cemeteries	13
5.5	Digging of Graves	14
5.6	Burial of Caskets	14
5.7	Burial of Ashes	14

5.8	Dimensions of Plots	15
5.9	Re-opening of Graves	15
5.10	Disinterment	15
6.0	Memorials	16
6.1	Approval	16
6.2	Construction and Installation	16
6.3	Work Practices	17
6.4	Maintenance of Memorials	18
6.5	Safety Audit	18
6.6	Removal of Memorials	18
6.7	Authorisation	18
7.0	Lawn Cemeteries	19
7.1	General	19
7.2	Casket Plot Berms	19
7.3	Ashes Plots and Ashes Garden Berms	20
7.4	Returned Services Cemeteries	20
7.5	Children’s Cemetery	21
7.6	Closed Cemeteries	21
7.7	Cemetery Maintenance and Levelling	21
7.8	Cemetery Records	22
8.0	Natural Burial Cemetery	22
9.0	Adornment of Graves	23
9.1	Shrubs, Trees and Flowers	23
9.2	Memorabilia Placed at the Time of Burial	23
9.3	Permitted Memorabilia	23
9.4	Removal and Disposal of Memorabilia	23
10.0	Vehicles	24
11.0	Misconduct	25
12.0	Soliciting Trade	25
13.0	Breaches of Bylaw	26
13.1	Offences and Penalties	26
13.2	Penalties for Breach of Bylaw	27
13.3	Removal of Works	27
14.0	Bylaw Approval Date	27
	Schedules Index	28
Sched 1	Old and Very Old Cemetery Map	29
Sched 2	New Cemetery Map	30
Sched 3	Headstone Dimensions	31
Sched 4	Application to Purchase a Cemetery Plot	32
Sched 5	Application for Burial	33
Sched 6	Application for Headstone & Plaque Monumental Work	35
Sched 7	Application for a Payment Plan	37

1.0 INTRODUCTION

1.1 TITLE

This bylaw is the Wairoa District Council Cemeteries Bylaw 2022 and may be referred to in this or other bylaws as the Cemeteries Bylaw 2022.

1.2 COMMENCEMENT

This bylaw shall come into force on the (date) 2022.

1.3 REPEAL

This bylaw supersedes and repeals the Wairoa District Council Cemeteries Bylaw 2011.

1.4 APPLICATION OF BYLAW

This bylaw shall apply to the Wairoa District.

1.5 PURPOSE

The purpose of the Cemeteries Bylaw 2022 is to enable the Council to set standards and controls for the operation of cemeteries within the responsibility or ownership of Council.

1.6 CONTEXT

This bylaw applies to both open and closed Council cemeteries. The closed cemeteries are detailed in Clause 7.6. The only open Council cemetery is the Wairoa township cemetery, located on Fraser Street, Wairoa. This cemetery consists of:

- Very old cemetery now closed.
- Old cemetery, already pre-allocated and nearly full.
- New cemetery, adjacent to Fraser Street, and in current use. This cemetery provides for full plots, ashes plots, returned services plots, and children's plots.

This bylaw does not apply to those cemeteries which are privately managed and maintained, or have an agreement with the Council.

These private cemeteries are:

- Nuhaka cemetery, located adjacent to and managed by the Church of the Latter-Day Saints, at 3031 State Highway 2, Nuhaka. The cemetery land is owned by Council.
- Urupa (Maori burial), generally associated with a marae.

1.7 DEFINITIONS

Reference should be made to Part 1 Introductory Bylaw and to the legislation referred to for any other definitions not included in this clause. For the purpose of this bylaw, unless inconsistent with the context, the definitions below apply.

Approved or **Approval** means approved in writing by the Council either by resolution of Council or by any authorised officer of Council.

Ashes means the cremated remains of a deceased person.

Authorised Officer means any officer of the Council or other person authorised by the Council to administer and enforce its bylaws in accordance with the Local Government Act 2002.

Authorised Council Contractor means any person appointed by an authorised officer of Council to undertake works in any cemetery, and includes the sexton.

Berm means a strip of concrete at the head of a plot, provided by Council, on which memorials are placed. Berms are provided in a lawn cemetery to contain all the memorials, so that a lawn can be established over the plots and graves and maintained by mowing. Full burial plots provide for a headstone on top of a concrete base on the berm. Ashes-only plots provide for a plaque only on the berm.

Body means a dead human body and includes the body of a stillborn child.

Burial means the act of burying a deceased person. It may be the burying of a full casket or an urn of ashes. Interment has the same meaning as burial.

Burial Approval means the Council has approved an Application For Burial submitted by the funeral director or other person responsible for the management or control of a burial, which gives authority for the person named on the application form to be buried. Burial Approval is provided for at the bottom of the Application For Burial form and must be signed by an authorised officer of Council.

Casket plot means a full-size plot capable of taking the full body remains of a deceased person.

Cemetery means any cemetery vested in or under the control of the Council from time to time.

Cemetery Manager means any person appointed by the Council to manage the day-to-day activities of any cemetery and includes any person authorised by the Council to undertake any of the Cemetery Manager's activities, including arranging for the provision of plots for burials and Burial Approvals. This authorised officer role is generally held by the Council's Property Manager.

Child means any person under the age of thirteen years.

Closed Cemetery means a cemetery which has been closed by a closing order as stated in Part VI of the Burial and Cremation Act 1964 and subsequent amendments. See Clause 7.6.

Council means Wairoa District Council, or any officer authorised by Council or delegated to act on its behalf.

Exclusive Right of Burial is as defined in Section 10 of the Burial and Cremation Act 1964 and means the right of burial in an agreed plot within a Council cemetery.

Funeral Director means a person, who in the course of their business, carries out burials and related matters.

Grave means a numbered plot in a cemetery where a burial or interment can occur. After a plot has been used, it is often referred to as a grave.

Fees and Charges mean the list of items, terms and prices for services associated with burials as adopted by the Council in accordance with the Local Government Act 2002.

Holder of the Exclusive Right of Burial includes his or her personal representative or legal successor where a person is deceased.

Interment. See burial.

Memorial means any permanent monument, tombstone, headstone, plaque, tablet, or other construction that marks a grave, and is something that is designed to commemorate a person or event. In a natural burial cemetery, a memorial may include a tree.

Memorabilia includes wreaths, vases, artificial or natural cut flowers or foliage, plants, figurines, toys, ornaments and other objects placed on a grave in memory of a deceased person but that are not permanently attached to that grave.

Natural Burial means the burial of a body in the soil in a manner that allows the body to recycle naturally without chemical inhibitors. The intention of this type of burial is to have as little environmental impact as possible, and may also be called an eco-burial.

Natural Burial Area means an area in any cemetery designated for natural burials. A resolution of Council will be required to establish this area or provide for another cemetery with a natural burial area.

Offence refers to a memorial's design, wording, or other marks that are capable of wounding feelings or arousing real anger, disgust, resentment or outrage in the mind of a reasonable person (where a reasonable person visits a cemetery). A memorial causing offence will not be approved by Council. See Clause 6.2.4.

Personal Representative means any parent, sibling, spouse, relative or person holding power of attorney, or person acting as an authorised agent who is responsible for the body. Evidence of the authorisation may be required.

Plaque means an inscribed commemorative panel, and has the same meaning as tablet. It may be made of metal or granite.

Plot means a gravesite as shown on a cemetery plan held available for public inspection at a cemetery and/or offices of the Council. A plot for a casket burial generally provides for two caskets, one located above the other, plus up to five urns of ashes located in a row above this. A plot for ashes only burial is smaller than a casket plot, and generally provides for two urns, one beside the other.

Relatives means a person’s first- and second-degree blood relationships (parent, sibling, child, uncle, aunt, nephew, niece, grandparent, grandchild, or half-sibling).

Returned Services Area means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicemen or service women as defined by the most recent version of the Office of Veterans’ Affairs publication, “War Graves and Services Cemeteries Handbook” or subsequent amendments.

Sexton means any person appointed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction. The sexton is an authorised Council contractor.

Urn means a container or receptacle of cremated remains (ashes).

2.0 BURIALS AND EXCLUSIVE RIGHT OF BURIAL

2.1 BURIALS

2.1.1 Burials may be made in a Council cemetery subject to this bylaw and the terms and conditions determined by the Council.

2.1.2 No burial shall be made in a Council cemetery without a Burial Approval being signed by Council to authorise that burial. This Burial Approval is the last section in the Application for Burial form, and shows whether the burial is for a full casket or an ashes urn.

2.1.3 No burial shall take place until full payment for the burial plot and for the digging of the grave has been made.

2.1.4 No person other than an authorised Council contractor shall dig or fill any grave in, or open the ground for burial, in any part of a cemetery.

Note1: The Council will determine the size and location of the plots that may be sold and the allocation of the plots.

Note2: A plot for immediate burial will not be sold if it is adjacent to a recently dug grave to avoid any possibility of subsidence.

2.2 EXCLUSIVE RIGHT OF BURIAL

2.2.1 Burial plots shall be sold on the terms and conditions as determined by the Council, including that the exclusive right of burial may be granted for such a limited period as the Council determines.

2.2.2 Burial of any person other than the owner of the exclusive right of burial within a plot, will only take place with the express prior consent of the holder of the exclusive right or their legal successor.

2.2.3 Council may limit the number of plots that can be purchased at any one time.

Note: The purchase price of the exclusive right of burial is for the plot only, and excludes the cost of the digging and closing of a grave at the time of burial.

2.3 PURCHASE OF THE EXCLUSIVE RIGHT OF BURIAL

2.3.1 An application for the purchase of the exclusive right of burial shall be on the prescribed form and be accompanied by the appropriate documentation and payment. See Schedule 4 for the Application to Purchase a Cemetery Plot form.

2.3.2 When the purchase of the exclusive right of burial for a particular plot has not been completed with full payment, the purchaser shall enter into a written agreement with the Council for a payment plan to complete the transaction. See the Application for a Payment Plan in Schedule 7.

2.3.3 Where a person is to be buried in a plot where the exclusive right of burial has not been purchased, the personal representative of that deceased person will be required to pay the prescribed fee for the purchase of the exclusive right of burial.

2.3.4 Where the exclusive right of burial is unused, Council may re-purchase the right at an agreed price as follows:

- A 100% refund of the payments made for a plot held for less than three years, or
- A 100% refund of the payments made or a 50% refund of the current market price, whichever is the greater, for a plot held for three years or more.

2.4 LAPSING OF AN APPLICATION FOR EXCLUSIVE RIGHT OF BURIAL

2.4.1 Any application for the purchase of the exclusive right of burial for any plot not previously used for burial shall lapse unless the purchase is completed by payment within six calendar months from the date of application or by arrangement with Council.

2.4.2 Where the payment is by instalments, Council at its sole discretion may allow the purchaser to resume instalments and payment of arrears within six calendar months.

2.5 TRANSFER OF OWNERSHIP OF EXCLUSIVE RIGHT OF BURIAL

The holder of the exclusive right of burial in a plot in which no burial has taken place may sell or transfer that right to any other person with the approval of the Council.

2.6 LAPSE OF OWNERSHIP OF EXCLUSIVE RIGHT OF BURIAL

Under Section 10 of the Burial and Cremations Act 1964 any exclusive right of burial in a plot will lapse after sixty years from the date of acquisition.

3.0 PAYMENT

3.1 FEES

The Council may, pursuant to section 150 of the Local Government Act 2002, prescribe fees for all the services that it provides in cemeteries. The fee for the digging and filling in of a grave is separate from the fee to pre-purchase the exclusive right of burial in a plot. Please refer to Council's current Schedule of Fees and Charges.

3.2 'OUT OF DISTRICT' FEES

3.2.1 An Out of District fee shall be payable under the following circumstances:

- a) For the burial of a deceased person who was not residing in or not a ratepayer of the district, subject to Clause 3.2.2. Temporary absences of short duration from the district will not detract from the permanency of residence.
- b) For the burial of a still born child if the parents were not residents or ratepayers of the district.
- c) For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district, if they have been a resident of the hospital or institution longer than three (3) months.

3.2.2 In making a decision on an Out of District application, the Council will take into consideration the following matters:

- a) Why the person or the personal representative of a deceased person wishes to apply to be buried in a Wairoa cemetery; and
- b) What connection the person has with the Wairoa district; and

- c) What time the person has spent in residence in the Wairoa district; and
- d) What the plot and burial fees are for the district that they reside or resided in.

3.3 BURIAL OF PERSON IN FINANCIAL NEED

A Justice will make any decision on the burial of a person in financial need as in Section 49 of the Burial and Cremation Act 1964.

3.4 DECEASED SERVICES PERSON

If an application for burial is made by Veterans' Affairs New Zealand, the fee payable to the Council for the disinterment of any deceased service person and the re-interment thereof in the Returned Services section of the cemetery, shall be as agreed between the parties.

4.0 BURIAL APPROVAL

4.1 REQUIREMENT

No burial shall be made in any Council cemetery without a Burial Approval. This Burial Approval must be obtained from the Council by the funeral director or other person having the management or control of the burial prior to the burial.

4.2 APPLICATION FOR BURIAL

For all burials, the funeral director or person having the management or control of the burial must apply on the prescribed Application For Burial form. See Schedule 5 for this form.

4.3 ISSUE OF BURIAL APPROVAL

4.3.1 No Burial Approval will be issued unless:

- a) Ground conditions are suitable for burial; and
- b) The Council has received a written certificate of the cause of death as defined under Section 26 of the Births and Deaths Registration Act 1951; and
- c) The exclusive right of burial for the plot has been purchased in full.

4.3.2 Where the burial is under the management or control of a funeral director, the Council may, at its sole discretion, waive the requirement for prior payment and charge the cost against the funeral director concerned on the basis of a monthly account, or such period as the Council decides.

4.3.3 The Application For Burial form, when completed and signed by an authorised officer of Council, constitutes the Burial Approval. The authorised officer of Council then forwards this Burial Approval to both the sexton and the applicant.

4.4 NOTICE IN ADVANCE

The Burial Approval shall be provided to the sexton at least eight working hours before the burial.

4.5 AUTHORITY TO BURY

The Burial Approval shall be sufficient authority for the burial. This Burial Approval is the last section of the Application For Burial form, and must be signed by an authorised officer of Council.

5.0 SERVICES AND BURIALS

5.1 HOURS OF SERVICES AND BURIALS

5.1.1 Funeral services shall only be held between the hours of 7:00am and 6:00pm, Monday to Saturday inclusive, except to comply with the duties of the Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease.

5.1.2 The sexton will, after consultation with the funeral director or other person responsible for the management or control of the burial, determine the time of burial.

5.1.3 Burials may take place at times other than in Clause 5.1.1 by special arrangement with the Council and on payment of the prescribed additional fee.

5.2 NOTICE OF BURIAL

5.2.1 The sexton shall be given not less than eight working hours' notice of any burial or service.

5.2.2 If such notice is not given, the burial or service may be delayed for a reasonable period of time as is necessary for the sexton to complete the required arrangements.

5.2.3 Any extra expenses incurred shall be the responsibility of the funeral director or other person responsible for the management or control of the burial.

5.3 RESPONSIBILITY FOR ARRANGEMENTS

5.3.1 The funeral director or other person responsible for the management or control of the burial must ensure that the deceased remains are in a suitable receptacle when presented for burial and ensure that all equipment associated with the burial is provided at the time of burial.

5.3.2 Any additional expenses incurred by the Council shall be the responsibility of the funeral director or other person responsible for the management or control of the burial.

5.4 BURIALS OUTSIDE OF THE COUNCIL CEMETERIES

Burials in cemeteries not owned or controlled by the Council are subject to Sections 46 to 48 of the Burial and Cremation Act 1964 and subsequent amendments.

5.5 DIGGING OF GRAVES

5.5.1 No person other than the sexton or assistants of the sexton or any other person authorised by the Council shall dig any grave in or open the ground for burial in any part of a cemetery. The minimum depth of cover for any casket shall be not less than 1 metre, except for natural burials.

5.5.2 No person other than the sexton or assistants of the sexton or person duly authorised by the sexton shall fill in any grave.

5.5.3 Double depth burials can only occur if the water table permits, and ground conditions are suitable.

5.6 BURIAL OF CASKETS

5.6.1 Any person may bury the casket of a deceased person in a casket plot, subject to the exclusive right of burial and the Burial Approval.

5.6.2 A casket plot may be dug to a standard depth or a double depth and may have one memorial on the berm. A double depth grave will enable another casket to be buried above it later.

5.6.3 Only one memorial is permitted on the berm per plot.

5.7 BURIAL OF ASHES

5.7.1 No person may scatter the ashes of a deceased person in a cemetery.

5.7.2 Any person may bury an urn holding the ashes of a deceased person in any plot, subject to the exclusive right of burial and the Burial Approval. Ashes may be buried in a casket plot or an ashes-only plot.

5.7.3 A maximum of two urns of ashes can be buried in an ashes-only plot, one beside the other.

5.7.4 Only one plaque is permitted on the berm per ashes-only plot. No headstone is permitted.

5.7.5 A maximum of five urns of ashes can be buried in a casket plot, spaced down the length of the plot, and located above any casket burials.

5.8 DIMENSIONS OF PLOTS

5.8.1 The dimensions of plots shall be determined from time to time by resolution of the Council. An ashes-only grave is excavated to a depth of 700mm. A casket grave excavation is as follows:

- Standard depth 1.375 metres.
- Double depth 1.7 metres.

5.8.2 Extra width and extra length plots may be provided at the discretion of the Council by prior arrangement. Generally, an extra 100mm width and length can be provided for.

5.8.3 If a casket for a child is too large for a child burial plot, it shall be buried in a full-size burial plot subject to the payment of the prescribed fees.

5.9 RE-OPENING OF GRAVES

No grave may be re-opened for a further burial except with the consent of the holder of the exclusive right of burial or their authorised agent or personal representative.

5.10 DISINTERMENT

5.10.1 Where a request for a disinterment and/or reinterment is received by the 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 a fee to cover all costs.

5.10.2 The disinterment and/or reinterment of a body must be conducted with the prior approval of the Council and must take place in the presence of the sexton, a funeral director and staff and an inspector of the Ministry of Health. Any other person may only attend with the prior approval of the Council.

5.10.3 Where a disinterment takes place, it is the responsibility of the Council to open the grave only to the extent of exposing the lid of the casket. Removal of the casket from the grave will be the responsibility of the funeral director present.

5.10.4 No plot from which a disinterment has taken place will be used for any subsequent burial and no refund of the cost of the original burial or any part of that cost will be made.

Note: See Clause 3.4 for Deceased Returned Services Persons.

6.0 MEMORIALS

A memorial means any permanent monument, tombstone, headstone, plaque, tablet, or other construction that marks a grave, and is something that is designed to commemorate a person or event.

6.1 APPROVAL

6.1.1 No memorial shall be installed in a cemetery without the prior approval of Council. The plans of such a memorial shall be submitted to, and approved by, the Council before the construction of any such memorial can be permitted.

6.1.2 The authorised agent or personal representative of the deceased person shall apply using the Application For Headstone and Plaque Monumental Work Permit, with the payment of the prescribed fee. See Schedule 6 for this form.

6.1.3 The wording and inscriptions on the headstone shall only be on the front side. The rear side shall remain blank.

Note: All memorials must be aesthetically acceptable to the Council.

6.2 CONSTRUCTION AND INSTALLATION

6.2.1 Minimum structural design, installation, and renovation for all above ground grave structures, enclosures, and memorials, shall be as specified in New Zealand Standard for Headstones and Cemetery Monuments NZS 4242:2018 and to the satisfaction of Council.

- 6.2.2** Only one memorial is permitted on any one grave, including double depth graves and ashes-only graves, and it shall be placed on the grave berm in a position approved by the Council. A plaque may be attached to an existing headstone.
- 6.2.3** All memorials shall be constructed of permanent materials. No headstone shall be of any other material than granite or similar suitable material approved by the Council. A concrete base for a headstone shall be finished in grey or white cement, and no coloured cements shall be added or used. See Clause 9.4.3 for temporary wooden structures.
- 6.2.4** No individual memorial shall be likely to cause offence by design, wording, or other mark in the mind of a reasonable person (where a reasonable person visits a cemetery).
- 6.2.5** Delivery and installation of memorials will be at the expense of the owner or applicant and will be carried out at times agreed with the sexton.
- 6.2.6** Any memorials installed without Council approval may be required to be removed immediately. Council will assess any such memorial for compliance with this bylaw, and the removal shall be at the expense of the owner of the plot or their personal representative. The memorial work permit fee will also be payable.
- 6.2.7** A temporary plot marker or cross is permitted. Any such marker will be removed upon installation of a memorial.

6.3 WORK PRACTICES

- 6.3.1** No person erecting or repairing any memorial or carrying out other work in any cemetery shall use any footpaths or other part of the cemetery for placing or depositing any tools, planks or materials for a longer time than is reasonably necessary to complete the work. In constructing bases and in constructing memorials, the adjoining roads, paths, or plots shall not be damaged.
- 6.3.2** Any person mixing cement or mortar within a cemetery shall do so on a mixing board approved by the Council. Residue shall be removed from the cemetery.

6.3.3 Any person installing or attending a memorial or carrying out any other work in a cemetery shall withdraw for the duration of an adjoining funeral service. Such person shall also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of the service.

6.4 MAINTENANCE OF MEMORIALS

All memorials shall be kept in proper order and repair by the purchaser of the plot or their authorised agent or the personal representative of the deceased person.

6.5 SAFETY AUDIT

The Council may carry out regular audits of all memorials to ensure the health and safety of any persons or property within the cemetery boundaries.

6.6 REMOVAL OF MEMORIALS

6.6.1 No person is permitted to remove from a grave or plot any memorial without obtaining the prior written permission of Council.

6.6.2 Should a memorial fall into a state of decay or disrepair, or be deemed by the Council to be unsafe, and in the event of there being no-one available to effect repairs or permit the removal, it may at any time be dealt with by the Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

6.7 AUTHORISATION

Maintenance and any other work in a cemetery may only be carried out by a person duly authorised by the Council, or under the supervision of a Council employee.

7.0 LAWN CEMETERIES

7.1 GENERAL

Lawn cemeteries consist of concrete berm strips for the placement of memorials, and a mown lawn over the plots and graves.

7.1.1 Lawn cemeteries may inter either full body remains or ashes.

7.1.2 All memorials shall be contained within the berm, and the balance of the plot/grave shall be maintained as lawn by the Council mowing contractor. No kerb, railing, fence, building, or other structure shall be constructed on or around any grave or part thereof; or constructed in such manner that any part thereof shall project above the level of the ground adjoining the berm. See Schedule 3 for headstone dimensions.

7.1.3 No trees, shrubs or flowers shall be planted except as approved by the Council.

7.1.4 No memorial shall be installed in the cemetery without the prior approval of Council. The authorised agent or personal representative of the deceased person shall apply using the Application For Headstone and Plaque Monumental Work Permit, and the payment of the prescribed fee. The applicant must submit details of the headstone or plaque design, including materials and dimensions, and details of all inscriptions and their positions on the memorial. See Clause 6 for more details, and Schedule 6 for this form.

7.2 CASKET PLOT BERMS

The Council will provide a continuous concrete berm at ground level at the head of a plot on which all base foundations and memorials will be placed. The berm will be approximately 750mm wide for a single row or approximately 1.5 metres wide for a double row. The cost of the berm is included in the purchase price of the plot.

7.2.1 Concrete base work for any headstone shall not stand higher than 150 mm above the berm, and shall be of a maximum depth (front to back) of 500 mm and shall, where required, allow insets for flower containers. See the Schedule 3 diagram.

7.2.2 Headstones and bases must be positioned so that a mowing strip of 150 mm is clear of

all masonry at the front of the headstone. For the end grave(s) on the berm, this mowing strip of 150 mm also applies to the end of the berm. See the Schedule 3 diagram.

7.2.3 No erected headstone shall be longer than 1.0 metres in the case of a single plot, or 2.0 metres in the case of a double width (family) plot.

7.2.4 No erected headstone shall be higher than 1.0 metres above the berm.

7.3 ASHES PLOTS AND ASHES GARDEN BERMS

The Council will provide a continuous berm at ground level of approximately 500mm width at the head of the ashes-only plots for the placement of a plaque. The cost of the berm is included in the purchase price of the plot.

7.3.1 Ashes plots may inter only cremated ashes.

7.3.2 A plaque shall not exceed a width of 380 mm or a depth of 230 mm in size and shall be set in an approved position in an approved manner. Any vase inset(s) shall fit within the maximum plaque dimensions. No headstones are permitted on ashes-only plots.

7.3.3 All lettering and names of the persons buried in each grave shall be placed on the one plaque.

7.4 RETURNED SERVICES CEMETERIES

Areas of cemeteries may be laid out as Returned Services Cemeteries.

7.4.1 Those eligible for burial there are as defined in the most recent version of the Office of Veterans' Affairs publication, "War Graves and Services Cemeteries Handbook".

7.4.2 The body or ashes of the spouse or partner of a returned service person may at the request of the surviving returned services partner be interred in a double depth plot in the Returned Services Block.

7.4.3 Commemoration shall be as described in the above-mentioned publication, or by other means as agreed with the Office of Veteran's Affairs.

7.5 CHILDREN'S CEMETERY

7.5.1 An area of the cemetery is set aside for children's burials, for those less than 13 years of age.

7.5.2 Casket plot berms are provided by Council as detailed in Clause 7.2. Ashes may also be buried in this area.

7.6 CLOSED CEMETERIES

When appropriate, the Council may apply to officially close cemeteries under Part 6 of the Burial and Cremation Act 1964. The Council will maintain closed cemeteries in perpetuity, subject to conditions as set under Part 6 of the Burial and Cremation Act 1964.

The closed Council cemeteries are as follows:

- Ruakituri cemetery, located on Papuni Road.
- Morere cemetery, located approximately 600 metres along Tunanui Road.
- Frasertown cemetery, located between the northern end of Stout Street and the Wairoa River. This cemetery was in operation from 1875 to 1962.

7.7 CEMETERY MAINTENANCE AND LEVELLING

7.7.1 Council is responsible for the maintenance of the lawns and gardens in the cemetery.

7.7.2 No person other than the authorised Council contractor shall do the levelling on any grave.

7.7.3 Any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed either from the cemetery or to a place within the cemetery as approved by the sexton.

7.7.4 The Council may construct sheds or other buildings for the storage of tools, planks, casks or other material belonging to such masons or other persons and may prescribe

fees 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 determine by resolution.

7.7.5 If the Council so requires, a deposit of the sum determined by resolution of the Council 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 sexton.

7.7.6 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, planks casks or other material and any such mason or other person failing to comply with any such direction shall be liable to prosecution for an offence against this bylaw.

7.8 CEMETERY RECORDS

The Council will keep plans of the cemeteries it controls, including records of all rights of burial granted, and records of all burials. Plans and records will be open for inspection by the public at the offices of the Council during normal office hours, or shall be available online on the Council website.

Note: The Council will provide such records and dimensions of plots using the best information available, but will not be liable for any errors in such.

8.0 NATURAL BURIAL CEMETERY

A Natural Burial Area is an area in any cemetery designated for natural burials. A resolution of Council will be required in order to establish any such area.

Natural burial means the burial of a body in the soil in a manner that does not slow decomposition, but allows the body to recycle naturally. The intention of this type of burial is to have as little environmental impact as possible when a body is buried. Natural burial is done at a lesser depth, is free from any chemical treatment or preparation, and is also known as eco burial. These burials would generally take place in a designated natural burial area of a cemetery, and a tree may be planted as a memorial.

9.0 ADORNMENT OF GRAVES

9.1 SHRUBS, TREES AND FLOWERS

No shrubs, trees or flowers shall be planted in any cemetery by any person without the approval of the Council being first obtained.

9.2 MEMORABILIA PLACED AT TIME OF BURIAL

9.2.1 Memorabilia may be placed on a grave at the time of burial. During a period of 10 days or such other period as the Council decides following burial any memorabilia, wreath or other tribute may be placed on a grave, but shall be removed at the expiration of this period.

9.2.2 After this period, the Council or its contractor may remove from any grave any memorabilia placed there from the time of burial, and adjust the grave surface level and sow with grass seed.

9.3 PERMITTED MEMORABILIA

9.3.1 After a grave surface has been adjusted, all vases or containers for flowers shall be housed in insets or containers set in recesses in the base of the memorial and placed in such a manner as approved by the Council. Such containers installed adjoining any memorial shall be on the side nearest the head of the grave.

9.3.2 The inset or container shall be at least 50 mm deep and set into the base of the memorial.

9.4 REMOVAL AND DISPOSAL OF MEMORABILIA

9.4.1 Any floral tribute or memorabilia may be removed by the contractor at any time after the tenth day from the latest burial in that grave.

9.4.2 The contractor may at any time remove damaged receptacles or receptacles of a type not approved by the Council and may also remove at any time dead flowers and dead foliage.

9.4.3 The Council may in any cemeteries permanently remove and dispose of memorabilia that impedes or constrains the Council's ability to maintain the cemetery or causes littering. A wooden cross on a grave is considered as a temporary structure.

9.4.4 No private person shall remove memorabilia from a grave except with the approval of the holder of the exclusive right of burial of the plot or their personal representative.

10.0 VEHICLES

10.1 No person shall take any kind of vehicle 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. The gates on the New Cemetery are unlocked between the hours of 8:30 am and 5 pm each day.

10.2 No person shall permit any kind of vehicle under that person's control to remain in any cemetery after sunset on any day without the permission of the Council.

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

10.4 No person shall drive or conduct a vehicle of any kind in any cemetery at a greater speed than 20 km/h, or than indicated on any road within any cemetery.

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

10.6 Every person driving or conducting any vehicle in any cemetery shall stop or move the vehicle as directed by the authorised Council contractor or an authorised officer of Council.

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

11.0 MISCONDUCT

- 11.1** No person shall, in any part of any cemetery, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.
- 11.2** A person entering or present in a cemetery shall not behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or be offensive to any other person.
- 11.3** No person will bring into or exhibit in any cemetery any article that is a nuisance or is offensive to any other person.
- 11.4** No alcohol shall be brought into or consumed in a cemetery.
- 11.5** No dogs are permitted in a cemetery.

12.0 SOLICITING TRADE

- 12.1** No person shall, in any cemetery, advertise or solicit any order or custom from any other person 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.
- 12.2** Except at the specific request of a purchaser of plots or their representatives or assigns, no person shall in any cemetery accept or take any such order or custom.
- 12.3** No commercial photographer shall, without the consent of the funeral director, or authority in writing for the occasion from the Council, attend any funeral for the purpose of taking photographs.

13.0 BREACHES OF BYLAW

13.1 OFFENCES AND PENALTIES

13.1.1 Every person commits an offence under Section 239 of the Local Government Act 2002 or commits a breach of this bylaw who:

- a) does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw; or
- b) omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
- c) does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
- d) knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this bylaw; or
- e) refuses or neglects to comply with any notice duly given to him/her under the bylaw; or
- f) obstructs or hinders any authorised officer of Council in the performance of any duty of that officer under or in the exercise of any power conferred upon them by this bylaw; or
- g) fails to comply with any notice or direction given under this bylaw.

13.1.2 Any person commits a breach of this bylaw who:

- a) having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any memorial or any work or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- b) having omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by the Council or any authorised officer of the Council, fails to carry out the remedial action specified in that notice.

13.1.3 Any notice issued under Clauses 13.1.1 and 13.1.2 shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of the Council.

13.2 PENALTIES FOR BREACH OF THE BYLAW

Every person who fails to comply with any part of this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Burial and Cremation Act 1964.

13.3 REMOVAL OF WORKS

13.3.1 The Council may pull down, remove, or alter or cause to be pulled down, removed, or altered any vegetation, work, material, or thing erected or being in contravention of this bylaw or section 163 of the Local Government Act 2002.

13.3.2 The Council may recover from any person responsible for the construction or from any person permitting the continued existence of any such vegetation, work, material, or object all costs incurred by it, in connection with such pulling down, removal or alteration.

13.3.3 The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such vegetation, work, material, or object.

14.0 BYLAW APPROVAL DATE

The Common Seal of the Wairoa District Council was attached, under resolution passed at a meeting of the Council held on **date 2022** and will come into force **date 2022**.

THE COMMON SEAL of THE WAIROA DISTRICT COUNCIL
was affixed this **date** 2022 in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

SCHEDULE INDEX

	Schedules Index	28
Sched 1	Old and Very Old Cemetery Map	29
Sched 2	New Cemetery Map	30
Sched 3	Headstone Dimensions	31
Sched 4	Application to Purchase a Cemetery Plot	32
Sched 5	Application for Burial	33
Sched 6	Application for Headstone & Plaque Monumental Work	35
Sched 7	Application for a Payment Plan	37

SCHEDULE 1

OLD AND VERY OLD CEMETERY



Access to these cemeteries is from Fraser Street, opposite the Hillcrest intersection, Wairoa.

SCHEDULE 2 NEW CEMETERY



Access to this cemetery is directly from Fraser Street, Wairoa.

APPLICATION TO PURCHASE A CEMETERY PLOT

Details of person/s requesting the Exclusive Right of Burial (*Plot Owners*)

Full name/s

Full name/s

Street Address

Postal Address (if different)

Email

Telephone Mobile

Details of Reserved Plot (Exclusive Right of Burial)

Name of Cemetery

Plot Location - Block Row Plot CE ID

Plot requirements: SINGLE DEPTH DOUBLE DEPTH Plot Type: CASKET ASHES

Applicants Details (*Person responsible for the payment of the relevant fees and charges*)

Full name/s

Street Address

Postal Address (if different)

Email

Telephone Mobile

Plot reservation fee \$..... (from the Schedule of Fees and Charges)

Signature Today's date

Payment Details (*office use only*)

Fee \$ Receipt Number

Date Invoice Number

APPLICATION FOR BURIAL

Details of deceased

Family name

First name(s)

Last known residential address.....

Age Gender M / F Religion

Date of birth Occupation

Date of death Funeral date & Time

Next of Kin Relationship

Doctor (Certifying)

Medical Certificate of cause of death attached (select one) YES / NO

Cemetery and plot details

Have you pre-purchased a cemetery plot? YES / NO

If NO, we will discuss cemetery and plot options with you

Allocation - Cemetery Name Block Row Plot

If YES,

Cemetery NamePlot Details: Block Row Plot

Do you have permission to request this plot if you are not the owner? YES / NO

Please supply plot owners name and contact details

.....

.....

Type (select) Casket / Ashes Casket or Urn dimensions (must be provided) LengthWidth

First burial in this plot YES / NO

Depth requirement Standard / Double

Do you require any of the following gear:

Lowering Device YES / NO Straps & Bearers YES / NO

Your details as Funeral Director or other person responsible for the management or control of a burial:

Full name of applicant (Funeral Director or other)

Street Address

Postal Address (if different)

TelephoneMobile

Relationship to deceased

I am the person arranging this burial. I declare that the information given on this form is correct.

By signing below:

- I hereby provide authority for the Plot to be opened for the purposes of burying the deceased.
- I am the appropriate person to provide this authority.
- I confirm that to the best of my knowledge and belief, none of the close relatives or executors of those persons previously buried in the plot would object to my providing this authority to re-open the plot.

Signed Date

Payment Details (office use only)

Payment in full

Plot charge \$

Burial fee \$

Total payable \$ **Payment made** \$

Date Receipt Number

Burial Approval

Burial Approval

The Council hereby gives approval for this burial.

Signed by an Authorised Officer of Council Date

APPLICATION FOR HEADSTONE & PLAQUE MONUMENTAL WORK PERMIT

Application is hereby made for permission to carry out monumental work in:

..... Cemetery,

Plot Details: Block Row Plot CE ID

Name of Deceased

Date of Death Type of Plot (circle one) CASKET / ASHES

Details of Applicant – *(Person responsible for the payment of the relevant fees and charges)*

Full name of applicant
(Applicant must be the authorised representative/owner of the plot)

Street Address

Postal Address (if different)

Email

Telephone Mobile

Relationship to deceased.....

Signed Today's Date

Payment Details *(Office Use Only)*

Payment in full

Permit Fee \$ Receipt Number

Date \$ Invoice Number

Details of Monumental Mason

Name of Monumental Mason

Address

Phone Email

I hereby declare that all monumental masonry work carried out by the undersigned will be done in accordance with NZS 4242:2018 (Headstone and Cemetery Monuments), and also in accordance with Wairoa District Council’s Cemeteries Bylaw.

Only approved Monumental Masons or suitably qualified trades persons will be permitted to erect headstones or plaques in any Wairoa District Council cemetery.

I further understand that failure to comply with the above standards may result in a fine.

Signature of Monumental Mason

Details of proposed memorial

Date of installation

Material to be used Colour

Dimensions (mm) Height Width Depth

Inscription (use separate page if you require more space, attach photos if applicable) – ***NB. Design must comply with Wairoa District Council Cemeteries Bylaw, and is pending Wairoa District Council approval.***

On approval of application for memorial work, an approval will be forwarded to the applicant contact details provided and must be carried at all times while working in the cemetery.

APPLICATION FOR A PAYMENT PLAN

Date
Name
Address

Dear

RE: PAYMENT PLAN FOR CEMETERY COSTS

I agree to pay the prescribed costs below:

Plot Cost for Exclusive Right of Burial		
Other		
Less Deposit Paid		
SUBTOTAL		
TOTAL to pay		\$

Note: All costs include GST.

I agree to pay the Wairoa District Council costs as prescribed above (**\$ including GST**).

I agree to make regular instalments of _____ per week/month over a 6-month period.

I understand that failure to do so may result in further action.

Name

Date

Payment Plan Approval

The Council hereby gives approval for this Payment.

Customer Number

Signed by an Authorised Officer of Council Date

Signed Paid in Full Date