

# **KĀPITI COAST DISTRICT COUNCIL CEMETERIES BYLAW 2010**

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**1 Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Kāpiti Coast District Council Cemeteries Bylaw 2010 and shall come into force on 01 February 2010.
- 1.2 This Bylaw applies to any part of the Kāpiti Coast District.

**2 Cemeteries Bylaw Validation**

- 2.1 The Kāpiti Coast District Council Cemeteries Bylaw 2010 was approved at a meeting of the Kāpiti Coast District Council held on 28 January 2010 after completion of the Special Consultation Procedure.
- 2.2 The Common seal of the Kāpiti Coast District Council was affixed hereto, pursuant to a resolution of Council on 28 January 2010 in the presence of:

.....  
Jenny Rowan  
**Mayor**

.....  
Pat Dougherty  
**Chief Executive Officer**

### 3 Objective

- 3.1 The purpose of this Bylaw is to enable the Council to control and set standards for the operation of cemeteries within the Kāpiti Coast District under the Council’s ownership or control.
- 3.2 This Bylaw is made pursuant to section 145 & 146(b)(v) of the Local Government Act 2002 and section 16(1) of the Burial and Cremation Act 1964.
- 3.3 Nothing in this Bylaw shall derogate from any provision of or the necessity for compliance with:
- i. the Burial and Cremation Act 1964;
  - ii. the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
  - iii. Cremation Regulations 1973;
  - iv. Health (Burial) Regulations 1946;
  - v. any other relevant Kāpiti Coast District Council Bylaws or District Plan requirements; and
  - vi. the Kāpiti Coast District Council Natural Burial Policy 2008.

### 4 Interpretation

- 4.1 In this Bylaw, the following terms are used:

<b>Approved Person</b>	means any person appointed by the Sexton to open and close the ground for burial and assist with the burial process in general.
<b>Cemetery</b>	means any cemetery vested in or under the control of the Council and dedicated as a cemetery
<b>Sexton</b>	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction
<b>Mind-altering substance</b>	means any substance whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes substances used for activities such as glue sniffing or substance abuse, but does not include: <ol style="list-style-type: none"> <li>(a) Medically prescribed substances ingested by the person for whom they were prescribed;</li> <li>(b) substances purchased from a pharmacy without medical prescription; and</li> <li>(c) nicotine.</li> </ol>
<b>Statutory Holiday</b>	means a Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign’s Birthday, Waitangi Day, Christmas Day, Boxing Day, New Years Days, the day after New Year’s day and the day of the anniversary of the Wellington Province.

**‘Out of District’ fees** means any resident or child of any resident who has not lived at or owned a property in the District for at least 6 months prior to death is liable to higher interment fees.

## **5 Burials and Sale of Plots**

- 5.1 The Council Sexton must be contacted at least 24 hours prior to any burial taking place.
- 5.2 No burial shall be made in any Council cemetery without a burial certificate obtained by the person responsible for the burial from the Council and presented to the Sexton as authority for the burial.
- 5.3 The burial certificate must be completed and returned to the Sexton the day prior to the funeral.
- 5.4 Burial plots cannot be reserved. Burials shall take place in such plots as the Sexton shall determine. These will normally be double depth<sup>1</sup> and will allow space for additional interment, unless the Sexton deems a single depth plot is needed for health and safety reasons.
- 5.5 Ashes plots can be reserved upon application and payment of the appropriate fees.
- 5.6 All natural burials must conform with the Kāpiti Coast District Council Natural Burial Policy 2008.

## **6 Opening and Closing the Ground for Burial**

- 6.1 Only the Sexton or Approved Person shall open a grave or open the ground for burial.
- 6.2 Any person being the family of the deceased or friends of the deceased may close any grave or area opened for burial under the supervision of the Sexton.

## **7 Fees**

- 7.1 Fees are reviewed annually and set by Council resolution.
- 7.2 In the event of relatives of the deceased not using a funeral director a representative or relative of the deceased must pay the prescribed fees before interment can take place.
- 7.3 In the case of fees payable by a funeral director, the Council will charge the funeral director on the basis of a monthly account.

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<sup>1</sup> A double depth grave is defined as a 2 metre deep grave capable of having two bodies interred. A single depth grave is defined as a 1.4 metre deep grave capable of having one body interred.

- 7.4 “Out of District” fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district.
- 7.5 There is an additional surcharge for Saturdays and out-of-hours interments. These charges may vary and will specifically cover all costs associated with out-of-hours operations.

## 8 Hours of Operation

- 8.1 Normal operating hours are Monday to Friday 9.00am – 4.00pm.
- 8.2 Arrangements can be made for a Saturday burial between the hours of 9.00am – 1.00pm. Dispensation will be considered by the Sexton for special circumstances.
- 8.3 No burials will take place on statutory holidays. However, dispensation will be considered by the Sexton for special health circumstances approved by the Medical Officer of Health.

## 9 Monuments

### 9.1 Bases

- 9.1.1 All bases are to be of standard dimension and may be granite, marble or plastered concrete. The dimensions are not to exceed:

Width	1220 mm
Depth	380 mm
Height	100 mm at the lowest point. 300 mm at maximum height (to be uniform with existing bases if the ground is sloped).

### 9.2 Plinth

- 9.2.1 A plinth is to be supplied with all headstones and may be marble or granite (not plastered concrete). The plinth must not exceed the following dimensions but may have a bevelled edge:

Depth (front to back)	250 mm
Height	50 mm
Width	Maximum 1120 mm (50 mm clearance either end of base)

### 9.3 Tablet/Headstone Section

- 9.3.1 A tablet or headstone must be made of suitable permanent materials, such as granite, capable of lasting two hundred years or more in a structurally safe condition and having a surface on which

inscriptions can be made which remain legible for the life of the monument<sup>2</sup>.

9.3.2 Dispensation for ‘special’<sup>3</sup> tablets and headstones may be given where:

- a) over-width (but not height) memorials are requested which may extend over two or more side by side burial plots; or
- b) a softer stone is used, such as Oamaru stone, marble or another material such as heart Totara (with these materials a more permanent panel must be affixed for the inscription, such as granite or bronze).

All requests for dispensation must be made in writing to:

*The Leisure and Open Spaces Asset Manager  
Kāpiti Coast District Council  
Private Bag 60601  
Paraparaumu*

9.3.3 All tablets/headstones must comply with the following dimensions:

Maximum width	1020 mm (50 mm clearance either end of the plinth)
Maximum depth	250 mm (can't be deeper than the plinth)
Maximum height	800 mm (excludes base & plinth)

#### 9.4 *Lawn Plaques Section*

9.4.1 Only granite plaques with polished edges that have the following dimensions are accepted in this section:

Width	450 mm
Depth	300 mm
Thickness/Height	20 – 25 mm

9.4.2 The maximum casket width (at the shoulders) allowable is 640mm. The restriction is due to the width of the plots.

#### 9.5 *Cremation Beam Headstones Section*

9.5.1 Bases are to be of marble, bronze or granite only and must not exceed the following dimensions:

Width	610 mm
Depth	200 mm

<sup>2</sup> For genealogy purposes and long term Council maintenance.

<sup>3</sup> The intent of the Bylaw (where reasonably possible) is to provide a level of flexibility for differing cultural preferences.

Thickness/Height	100 mm
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9.5.2 No plinths are permitted in this section. All Tablets/Headstones must not exceed the following dimensions:

Maximum width	500 mm (allowing 50 mm base clearance)
Maximum depth	200 mm
Maximum height	350 mm (not including base)

#### 9.6 *Cremation Garden Plaques Section*

9.6.1 Only granite plaques with polished edges and bronze plaques that have the following dimensions are accepted in this section:

Width	250 mm
Depth	150 mm
Thickness/Height	16 - 20 mm

#### 9.7 *Children's Section*

9.7.1 As there is no specific children's section, children are to be buried in the Cremation Beam Headstone Section of the cemetery, and the monument regulations for this section shall apply.

9.7.2 Specific permission may be granted to families who wish to inter in the Cremation Garden area a child from a Foetal or Neonatal death.

### 10 **Monument Maintenance**

10.1 All above ground grave structures, enclosures, memorial headstones and other monuments shall be kept in good order or repair to the satisfaction of the Sexton.

10.2 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, and after making attempts to contact the family of the deceased, the Council may remove any installation/s of any kind that presents a health and safety risk or falls into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

10.3 A permit must be obtained from the Council before any monumental mason or other person commences any work on any plot in any cemetery. Any monuments must be constructed of approved stone or permanent materials, and comply with any other requirements set by the Sexton.

10.4 No new vaults, kerbing or fencing around plots are permitted in any cemetery.

- 10.5 No monumental mason or other person erecting, maintaining or repairing any headstone, monument or memorial shall make use of any footpath or other part of the cemetery for placing or depositing thereon any tools or materials in connection with the work for a longer time than is reasonably necessary for the purpose of completing such work.
- 10.6 Any person undertaking authorised works associated with any plot must adequately protect the surrounding plots, monuments and cemetery infrastructure.
- 10.7 The Council may at its discretion remove any unauthorised physical works or structures associated with plots.

## **11 Floral and Other Tributes**

- 11.1 No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Sexton may cause to be removed any dead flowers or foliage, or any other items or materials placed on or around the burial site.
- 11.2 The Council may remove any vases, planters or containers not on the concrete berm, or which are neglected, unsafe or broken.
- 11.3 Funeral wreaths and floral tributes may be placed on a plot for up to one calendar month following the date of interment.
- 11.4 Any objects removed by the Sexton will be held awaiting disposal instructions from the deceased's next of kin for one month, after which period such objects may be disposed of by the Council.

## **12 Trees, Shrubs and Plants**

- 12.1 No tree, shrub or plant shall be planted in any part of any cemetery without the written consent of the Sexton first being obtained. However, no tree, shrub or plant will be planted on a plot site unless in a natural burial portion of the cemetery.
- 12.2 Any trees, shrubs or plants in any portion of any cemetery may at any time be trimmed or maintained or removed by the Council<sup>4</sup>.

## **13 Vehicles**

- 13.1 Except with the permission of the Council, no person shall drive or park a vehicle in any cemetery except in areas set aside for the driving or parking of vehicles.

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<sup>4</sup> In a natural burial cemetery tree and shrub maintenance will be minimal. Maintenance and pruning activities will largely be confined to the specific purposes of keeping the plants healthy and alive in their juvenile stage, and to allow continued access along cemetery pathways. Tree removal will only be considered if a tree poses a safety hazard to cemetery users or impedes access.

- 13.2 No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- 13.3 Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton.
- 13.4 On any road within the cemetery all vehicles shall yield unconditional right of way to any funeral procession.

#### **14 Conduct and Activities within Cemeteries<sup>5</sup>**

- 14.1 No person shall, in or near any part of a cemetery, prevent, interrupt or delay the burial of any deceased person.
- 14.2 No person shall, in or near any part of a cemetery, cause nuisance, annoyance or offence to people lawfully within a cemetery.
- 14.3 No person shall damage, deface or interfere with any burial place, headstone, monument, memorial or memorial tree, or any building or property within a cemetery. The Council accepts no responsibility for the effects of vandalism or intentional damage.
- 14.4 Any person installing or maintaining a memorial in a cemetery shall withdraw for the duration of any funeral service.
- 14.5 No person shall, without the permission of the Sexton, hold in any cemetery any memorial, monument unveiling or other service or ceremony of any kind.
- 14.6 No person shall, in any cemetery, advertise or solicit any order 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 item to be set up, affixed or used in any cemetery.
- 14.7 No person shall without the consent of the family and funeral director, take any photographs or moving images at a funeral.
- 14.8 No person shall consume alcohol or mind altering substances within a cemetery.
- 14.9 No person shall enter any cemetery during the hours of darkness.
- 14.10 Except with the permission of the Sexton, no person shall be permitted to bring any stock into any cemetery for any purpose.
- 14.11 All dogs must be on a leash at all times and owners shall promptly remove their animals from the cemetery if requested by the Sexton, an

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<sup>5</sup> For further rules on conduct in public places please refer to the Kāpiti Coast District Council Public Places Bylaw 2010

Authorised Officer, Animal Control Officer or member of the Police.

**15 Disinterment**

- 15.1 Where a request for disinterment and/or a re-interment is received by the Council or other cemetery owner, 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 decides.

**16 Offences and Penalties**

- 16.1 Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

**17 Kāpiti Coast District Council General Bylaw**

- 17.1 The provisions of the Kāpiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.