

27 October 2021

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-92

Thank you for your information request, which we received on 6 October 2021 for the following:

I request copies of all bylaws made by Kāpiti Coast District Council as empowered under s 16 of the Burial and Cremation Act 1964 ("the Act").

Please note which purposes under s 16(1)(a)-(j) of the Act your bylaw or bylaws, should they exist, cover.

The Council passed the current Cemeteries Bylaw on 29 September 2016. A copy of this Bylaw can be found on our website at www.kapiticoast.govt.nz/your-council/forms-documents/bylaws/.

The current Cemeteries Bylaw was made pursuant to section 145 and 146(b)(v) of the Local Government Act 2002 and section 16(1) of the Burial and Cremation Act 1964 ('the Act').

The Council relied on all the powers set out at section 16(1)(a) to (j) of the Act, when it made this Bylaw.

We have also searched our systems for previous Bylaws made under the Act and have attached to this letter a copy of the Bylaw that was made in 2010.

From our search, we have not been able to find copies of previous Bylaws, that may have been made before 2010, and this part of your request is therefore declined under section 17(e) of the Local Government Official Information and Meetings Act 1987, as despite reasonable efforts the information cannot be located.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Steve Millar
Acting Group Manager Place and Space
Te Kaihautū Takiwā, Waahi hoki

KĀPITI COAST DISTRICT COUNCIL CEMETERIES BYLAW 2010

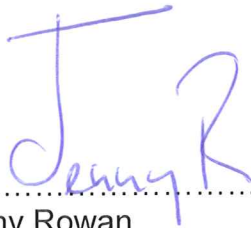
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1 Title, Commencement and Application

- 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:

Approved Person	means any person appointed by the Sexton to open and close the ground for burial and assist with the burial process in general.
Cemetery	means any cemetery vested in or under the control of the Council and dedicated as a cemetery
Sexton	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction
Mind-altering substance	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: <ul style="list-style-type: none"> (a) Medically prescribed substances ingested by the person for whom they were prescribed; (b) substances purchased from a pharmacy without medical prescription; and (c) nicotine.
Statutory Holiday	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 depth¹ 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.

¹ 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 monument².

9.3.2 Dispensation for 'special'³ 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

² For genealogy purposes and long term Council maintenance.

³ 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 Council⁴.

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.

⁴ 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 Cemeteries⁵

- 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

⁵ 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.

KAPITI COAST DISTRICT COUNCIL CEMETERIES BYLAW 2016

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2. Cemeteries Bylaw Validation

- 2.1. The Kapiti Coast District Council Cemeteries Bylaw 2016 was approved at a meeting of the Kapiti Coast District Council held on 29 September 2016 after completion of the Special Consultation Procedure.
- 2.2. The Common seal of the Kapiti Coast District Council was affixed hereto, pursuant to a resolution of Council on 29 September 2016 in the presence of:




Ross Church

Mayor



Pat Dougherty

Chief Executive


Councillor K. Gurusathan

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 Kapiti Coast District under the Council's ownership or administration. This does not include recognised urupā reservations not owned or administered by Council.
- 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:
 - a) The Burial and Cremation Act 1964;
 - b) The Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973;
 - d) Health (Burial) Regulations 1946;
 - e) Any other relevant future legislation; and
 - f) Any other relevant Kapiti Coast District Council Bylaws or District Plan requirements.

Interpretation

3.4. In this Bylaw, the following terms are used:

Approved Person	means any person appointed by the Sexton to open and close the ground for burial and assist with the burial process in general.
Cemetery	means any cemetery vested in or under the control of the Council and dedicated as a cemetery.
Close Relative	means: <ul style="list-style-type: none"> (a) A current or former spouse; (b) A grandparent, grandchild, parent, guardian, sibling, son, daughter; or (c) A father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
Sexton	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction.
Mind Altering Substance	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: <ul style="list-style-type: none"> (d) medically prescribed substances ingested by the person for whom they were prescribed; (e) substances purchased from a pharmacy without medical prescription; and (f) nicotine.
Statutory Holiday	means a Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign's Birthday, Waitangi Day, Christmas Day, Boxing Day, New Year's Days, the day after New Year's day and the day of the anniversary of the Wellington Province.
'Out of District'	means any resident or child of any resident who has not lived at or owned a property in the District for at least six months prior to death is liable to higher interment fees.

4. Exclusive Right of Burial and Sale of Plots

- 4.1. Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.
- 4.2. Exclusive Right of Burial may be sold by the council. When a person purchases a plot, they gain the Exclusive Right of Burial for that plot. This means that the purchaser owns the right to be buried in that plot; this does not mean they own the piece of land on which the plot sits.
- 4.3. The purchaser of an exclusive right of burial may designate an assignee to administer the right of burial if the purchaser is no longer able to. This assignee will be considered the primary person able to make decisions regarding the right of burial if the purchaser is deceased or incapacitated. If no assignee is designated or available, the executor of the estate of the purchaser will hold responsibility for decisions regarding the right of burial. Council may satisfy itself as far as practicable that a person is eligible to make any such decisions and Council will not be responsible for any disputes arising from any decisions so made. Council will generally deal with only one representative of the deceased as far as practicable to ensure consistency of decision making.
- 4.4. Where doubt of ownership of a plot exists, the council may satisfy itself, so far as practicable, that the burial is authorised.
- 4.5. To avoid non-use of burial plots, the Exclusive Right of Burial is held by the purchaser for a maximum of sixty (60) years without any burial taking place. After this time, if no burial has taken place in that plot, the Exclusive Right of Burial may, at the sole discretion of Council, revert back to the council with no entitlement for refund of the purchase price. Such plots may be resold by Council.
- 4.6. Council may satisfy itself of the intent of a purchaser to use the Exclusive Right of Burial. Therefore, if no burial has taken place within fifteen to sixty (15-60) years of purchase of an Exclusive Right of Burial; the Council may, at its discretion and following appropriate enquiries as to the current relevance of the Exclusive Right of Burial, require the holder to surrender the Exclusive Right of Burial back to the council upon reimbursement of the original purchase fee. Where the original purchaser or their immediate family cannot be contacted; the Right of Burial will revert back to Council ownership with no right of refund. Such plots may be resold by Council.
- 4.7. Where the purchaser of the exclusive right of burial (or assignee, executor or immediate family if the purchaser is deceased) no longer wishes to use the exclusive right of burial, the Council may at its discretion purchase back any unused exclusive right of burial. This shall be on such terms and conditions as Council thinks fit, provided that the price refunded shall not be less than the original purchase price and shall not exceed the current purchase price of a similar plot. An allowance will be made for inflation since the date of original purchase using the calculations used for the annual review of Council's fees and charges. Exclusive rights of burial that have been bought back may be resold by the Council.

- 4.8. The purchaser of an exclusive right of burial may transfer that right to a close relative subject to the approval of the Council and on payment of any prescribed transfer fee.
- 4.9. Exclusive rights of burial may not be on-sold by the original purchaser to any other party apart from Council. Only Council may sell exclusive rights of burial for council administered cemeteries.
- 4.10. Where application is made to the Council for the interment of a deceased indigent person, the applicant shall provide a declaration signed by a Justice of the Peace, certifying that:
- a) Such deceased person has not left sufficient means to pay all the prescribed fees; and
 - b) All the prescribed fees are not covered by an Accident Compensation or Government entitlement or subsidy; and
 - c) The deceased person's relatives are unable or unwilling to pay the same.

Additional proof to confirm the declaration may be required by the Council

- 4.11. No permanent monuments or crosses are permitted on an indigent grave as the exclusive right of burial has not been purchased and still belongs to the Council. If a family wishes to erect a monument on an indigent's grave this can be facilitated when all Council fees and charges have been paid.

5. Burials and Ashes Interments

- 5.1. The Council Sexton must be contacted at least 24 hours prior to any interment taking place. No interments will take place prior to Monday 12pm unless the Council Sexton has been notified prior to Friday 4pm. In the case of statutory holidays, the Council Sexton must be notified before 4pm on the last ordinary working day prior in order for an interment to take place prior to 12pm on the next working day after the holiday
- 5.2. Interments may take place with less than 24 hours notice under special circumstances with the prior approval of the Sexton¹.
- 5.3. In every case of intended burial within the District, the person responsible for the burial shall make application to the Council for a warrant authorising the burial; and in support of their application shall produce such information and evidence as the Council may reasonably require.
- 5.4. No burial shall be made in any Council cemetery without a burial warrant.
- 5.5. No such warrant shall be issued until the fee for interment has been paid. Provided, however, that in the case of an interment under the management or control of a funeral director, the Council may render an account.

¹ The intent of this clause is to allow for different cultural practices and for special health circumstances to be accommodated.

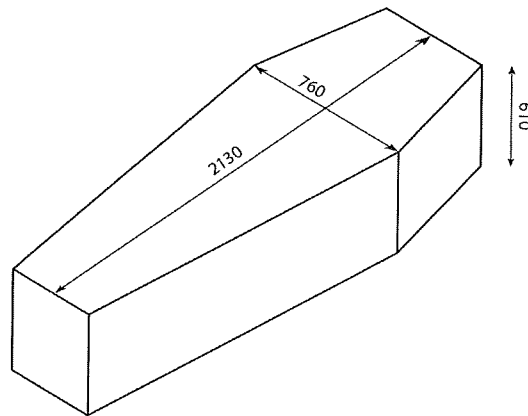
- 5.6. The burial warrant must be completed and returned to the Sexton the day prior to the funeral. The burial warrant, when received by the Sexton, shall be sufficient authority for burial.
- 5.7. No person shall place any monument on a plot until all prescribed fees have been paid, except for temporary markers provided by the funeral director.
- 5.8. Burial and ashes plots cannot be reserved. Burials and ashes interments shall take place in such plots as the Sexton shall determine.
- 5.9. The maximum number of interments in Kapiti Coast District Council administered cemeteries, subject to ground conditions and space permitting, is:
 - a) Up to one (1) casket and four (4) ashes urns interred in one grave plot; or
 - b) Up to two (2) caskets and two (2) ashes urns interred in one grave plot; or
 - c) Up to eight (8) ashes urns interred in one grave plot; and
 - d) Up to four (4) ashes urns interred in one monumental cremation plot; and
 - e) Up to two (2) ashes urns interred in one garden cremation plot; and
 - f) Up to four (4) ashes urns interred in one ashes niche

The Sexton has the authority to approve special dispensation requests received in writing if the situation is deemed to be appropriate by the Sexton.

This size of any plot or niche will be determined by Council and it will be the responsibility of the holder of the Exclusive Right of Burial, their Assignee or Executor to ensure that any casket or urn is suitable for interment in the designated location.

- 5.10. Burial plots will normally be double depth, allowing space for one additional interment, unless the Sexton deems a single depth plot is needed for health and safety reasons or the burial plot is within any natural burial area.
- 5.11. The Council may set aside areas of cemeteries for the scattering of ashes. Ashes may be scattered in those areas once relevant forms have been completed and approved by Council and all applicable fees have been paid to Council.
- 5.12. Ashes may be deposited on private property with the agreement of the owner. Ashes may be deposited on Council approved areas of public land.
- 5.13. No animal(s), including birds or fish, either as ashes or as a body, may be interred in a Council cemetery.
- 5.14. If an interment involves a non-standard or couch style casket this must be notified on the "Application for Interment" form. All caskets must be suitable for burial by Approved Persons. The Council retains the right to determine what a suitable casket is.

- 5.15. A casket for an adult burial plot should not usually exceed 2130mm (length) x 610mm (depth) x 760mm (width). If a larger casket is required the Sexton must be advised at least twenty four (24) hours in advance so that suitable arrangements can be made for burial.



6. Conditions for Natural Burials

- 6.1. The ultimate goal of natural burial is for the area to regenerate into native bush, therefore maintenance will only be carried out to the extent necessary to promote natural growth of native species and no permanent memorials are to be included within the natural burial area.
- 6.2. All items placed within a natural burial plot must comply with the principles of a natural burial. Primarily that all objects and materials must be natural and biodegradable with minimal negative impacts on the soil and ecology. All shrouds and caskets presented for burial must be suitable for a safe burial process regardless of material.
- a) Sustainably grown timber caskets are preferred.
 - b) Handles can be made of natural materials or natural rope.
 - c) The casket lining must be of bio-degradable material e.g. Cotton.
 - d) The deceased should be dressed in natural fibre clothing, with no undue additional synthetic substances.
 - e) Chemicals and embalming fluids etc. are not permitted.
- 6.3. Materials that cannot be used are as follows:
- a) Any types of plastic or metal fittings (not including nails or screws).
 - b) Treated timber varnish, toxic glues or plastic sheeting inside the casket.
 - c) Non bio-degradable material inside or outside the casket.

- 6.4. If a shroud is to be used instead of a casket they must be suitably prepared.
 - a) Woollen shrouds with a solid base are acceptable. The solid base which assists in lowering into the ground can be of natural timber and contained within the shroud.
 - b) Contents of shrouds must be fastened to a solid base to prevent movement to one side.
 - c) The top and sides of a grave must be reinforced with timber when a body is buried in a shroud.
- 6.5. Unacceptable caskets or shrouds:
 - a) Cardboard caskets.
 - b) Caskets or shrouds leaking fluids.
 - c) Caskets or shrouds having an offensive smell.
- 6.6. If the deceased died from or with a communicable disease then they must be transferred to the gravesite and buried in a leak proof eco-casket.
- 6.7. Natural burials can only take place in Council approved cemeteries and in pre-determined natural burial lots allocated within the cemetery. Plots cannot be reserved and will be allocated in sequence by the Council. All plots will be recorded using GPS technology.
- 6.8. Secondary interment is not permitted.
- 6.9. To promote rapid breakdown and decomposition, where possible bodies are buried 800 - 1000mm below the surface to the top of the coffin or shroud.
- 6.10. A native shrub is planted on top of the burial plot during the planting season following interment. A list of plant options will be provided by the Council which can be selected by friends and family of the deceased; this may vary as the natural burial area becomes established and different species become suitable as natural succession occurs. The cost and maintenance of any plant is included in the plot purchase price. Council will be responsible for staking plants but bears no responsibility for the failure of any tree. Council will replace dead or damaged memorial plants at the family's request and for an additional charge.
- 6.11. No permanent memorials are permitted within the natural burial section of any cemetery, and no other memorials or additional plantings are permitted in any natural burial area without the approval of the Sexton.
- 6.12. Council will manage maintenance of burial plots to avoid soil erosion.
- 7. Opening and Closing the Ground for Burial**
 - 7.1. Only the Sexton or an Approved Person shall open a grave or open the ground for burial in any part of the cemetery. Ground conditions permitting, the minimum depth of cover for any casket shall be no less than one metre, with the exception of interments in any natural burial area.

- 7.2. Any person being the family or friends of the deceased may, with prior approval, close any grave or area opened for burial under the supervision of the Sexton or Approved Person, provided it is considered safe to do so by the Sexton. Requests for approval of the family or friends of the deceased to close the grave must be received at least 24 hours prior to the interment. Council will provide appropriate equipment for the closing of the grave if requested, any such request must be presented at the same time as the approval to close request.

8. Fees

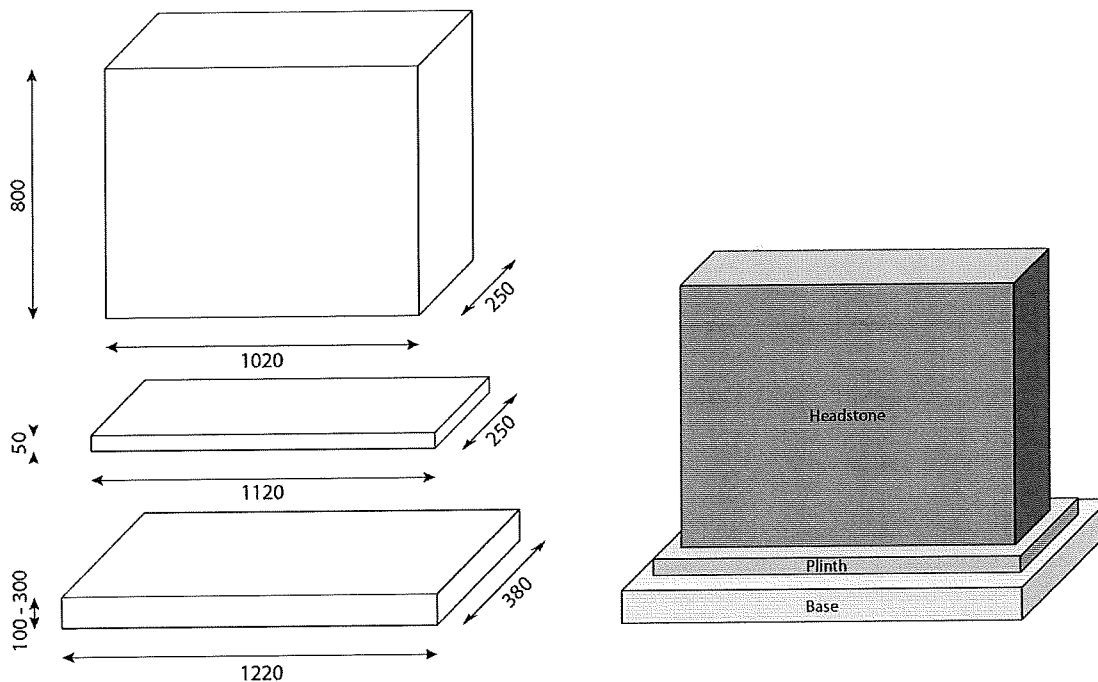
- 8.1. Fees are reviewed annually and set by Council resolution. The fees and charges may from time to time be amended or added to by resolution of the Council, and any such resolution may from time to time, be amended or rescinded, by a further resolution of the Council.
- 8.2. In the event of friends or relatives of the deceased not using a funeral director a representative or relative of the deceased must pay the prescribed fees.
- 8.3. In the case of fees payable by a funeral director, the Council will charge the funeral director on the basis of a monthly account.
- 8.4. "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. Out of District fees of such amount as the Council may determine by resolution from time to time shall be payable in the case of the burial of the deceased person not residing in the District for at least 6 months immediately prior to date of death, and in the case of a stillborn child unless one of whose parents, was a resident or a ratepayer of the district for 6 months prior to the birth of such child. Residence by a person in a hospital or institution in the district shall not be deemed resident in the District and the Council shall decide in each case whether an "Out of District" fee is payable in respect of such person. The Sexton has the authority to waive this charge if, in the circumstances, the fee is deemed to be inappropriate.
- 8.5. 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.

9. Hours of Operation

- 9.1. Normal operating hours are Monday to Friday 9.00am – 3.30pm.
- 9.2. Arrangements can be made in special circumstances for a Saturday interment between the hours of 9.00am – 1.00pm. Dispensation will be considered by the Sexton for special circumstances.
- 9.3. No interments 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.

10. Monuments

- 10.1. Any application for memorial will be declined until such time as the purchase of the plot is completed.
- 10.2. All monuments should typically be of the general type and style of the surrounding monuments in the area of the cemetery into which they are being placed. In certain circumstances this may allow for deviation from the standard dimensions and requirements, generally this will be in older areas of a cemetery and not for new interments.
- 10.3. Monumental Headstone Sections - Maximum allowable dimensions



- 10.3.1. 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).

- 10.3.2. 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:

Width	1120 mm (50 mm clearance either end of base)
Depth	250 mm
Height	50 mm

10.3.3. 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)

10.3.4. 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.

10.3.5. Dispensation for 'special'² 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 or another material is used (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:

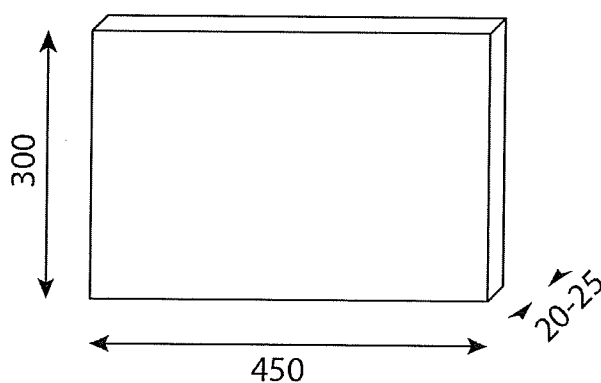
The Open Spaces Manager/Sexton

Kapiti Coast District Council

Private Bag 60601

Paraparaumu

10.4. Lawn Plaques Section

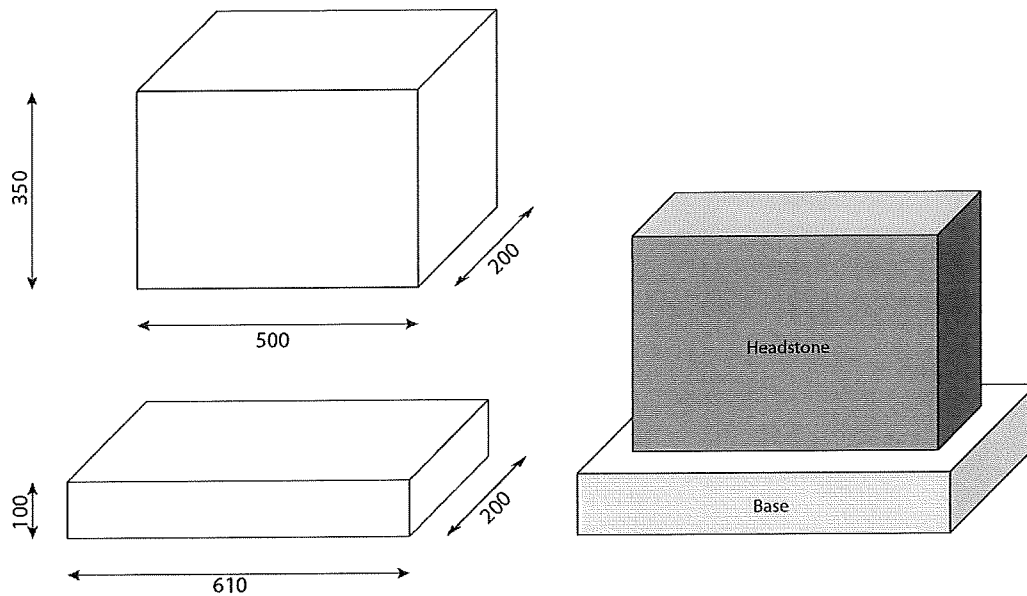


10.4.1. Only granite plaques with polished edges that have the following dimensions are accepted in this section:

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

² The intent of the Bylaw (where reasonably possible) is to provide a level of flexibility for differing cultural preferences.

10.5. Cremation Beam Headstones Section - Maximum allowable dimensions



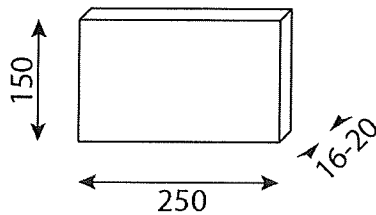
10.5.1. Bases are to be of marble, bronze or granite only and must not exceed the following dimensions:

Width	610 mm
Depth	200 mm
Thickness/Height	100 mm

10.5.2. No plinths are permitted in this section. All Tablets/Headstones must not exceed the following dimensions:

Width	500 mm (allowing 50 mm base clearance)
Depth	200 mm
Thickness/Height	350 mm (not including base)

10.6. Cremation Garden Plaques Section



10.6.1. 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

10.7. Some unique areas of the cemeteries have non-standard monument size requirements. Council will advise these requirements upon application for interment in any of these areas.

10.8. Children's Section

10.8.1. Children under six (6) months are also able to be buried in the Cremation Beam Headstone Section of the cemetery upon application to the Sexton, provided there is room to accommodate the burial. The monument regulations for this section shall apply.

10.8.2. The Council may set aside areas for children's burial, and may determine appropriate fees as outlined in 8.1 for children's interments.

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

11. Monument Maintenance

11.1. Minimum structural design, installation and renovation for all monuments shall be those specified in New Zealand Standard for Headstones and Cemetery Monuments NZS4242:1995 (materials and components).

11.2. All above ground grave structures, enclosures, memorial headstones and other monuments shall be kept in good order or repair by the holder of the exclusive right of burial, their assignee or next of kin to the satisfaction of the Sexton. The Council does not take any responsibility for damage or vandalism to any monument.

11.3. 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.

11.4. The Council may remove any unauthorised memorials from the cemetery.

- 11.5. A permit must be obtained from the Council before any monumental mason or other person commences any work on any plot in any cemetery including construction, removal or modification of any monument. Any monuments must be constructed of approved stone or permanent materials, and comply with any other requirements set by the Sexton.
- 11.6. No new vaults, kerbing or fencing around plots are permitted in any cemetery. Repair or replacement of existing structures is permitted.
- 11.7. No monumental mason or other person erecting, maintaining or repairing any headstone, monument or memorial shall place any tools or materials on any footpath or other part of the cemetery for a longer time than is reasonably necessary for the purpose of completing such work.
- 11.8. Any person undertaking authorised works associated with any plot must adequately protect the surrounding plots, monuments and cemetery infrastructure. Any damage to surrounding plots, monument and cemetery infrastructure caused by the person undertaking work will be the responsibility of that person to repair or pay for repair. All unused construction materials must be removed from the cemetery on completion of the works.
- 11.9. No work is allowed on weekends without the prior approval of the Sexton.
- 11.10. Plaques, monuments adornments and decorations placed on plots must not be offensive or illegal, or contain offensive or illegal text or images. Council retains the right to determine what is offensive. Council may at its discretion remove any plaque, monument, adornment or decoration of any kind that it determines to be offensive or illegal.
- 11.11. Adornments may not inhibit the proper maintenance of the cemetery or other graves. The council may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 11.12. Jars, vases or receptacles likely to break (e.g. glass) are not permitted to be used as flower containers.
- 11.13. The Council may at its discretion remove any unauthorised physical works or structures associated with plots.
- 11.14. Council is responsible for maintenance work which includes maintaining grassed areas, gardens, trees and shrubs, paths, steps, roads, signs, fences, toilets and beams. Maintenance does not include the upkeep, painting and repair of any monumental work, kerbing, stone or hard surface on any plot, or any item within the exclusive burial area.

12. Floral Tributes, Adornments and Other Decorations

- 12.1. 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.

- 12.2. The Council may permanently remove any vases, planters, containers, receptacles, memorabilia or other items which are neglected, unsafe, broken or unsightly.
- 12.3. The Council may permanently remove any object that impedes or constrains the Council's ability to maintain the cemetery or causes littering.
- 12.4. No decorations may be placed in any garden within the cemetery.
- 12.5. Artificial or natural cut flowers or foliage will be removed and disposed of when they are dead or damaged.
- 12.6. The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
- 12.7. Any objects caused to be 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. Except that flowers, damaged items or items in contravention of this bylaw may be immediately disposed of.
- 12.8. Funeral wreaths and floral tributes may be placed on a plot for up to one calendar month following the date of interment.

13. Trees, Shrubs and Plants

- 13.1. 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 any plot unless in a natural burial portion of the cemetery.
- 13.2. Any trees, shrubs or plants in any portion of any cemetery may at any time be trimmed, maintained or removed by the Council. This may include renovating gardens through replacing any or all plants. Council does not guarantee that the same plants will always be planted in any garden including ashes gardens.
- 13.3. No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of the Council. No person shall plant, cut down or destroy any tree or shrub in any cemetery without the consent of the Council.

14. Vehicles

- 14.1. 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.
- 14.2. 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.
- 14.3. Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or an Approved Person.
- 14.4. On any road within the cemetery all vehicles shall yield unconditional right of way to any funeral procession.

- 14.5. No vehicles will be permitted within any cemetery after sunset or before sunrise without the prior approval of the Sexton.
- 14.6. These provisions will not apply to an emergency vehicle (as defined in the Land Transport (Road User) Rule 2004) used at the time to save or protect life or health, or prevent injury or serious damage to property.
- 15. Conduct and Activities within Cemeteries³**
- 15.1. No person in or near a cemetery or crematorium shall behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offense to any other person lawfully within a cemetery.
- 15.2. No person will bring into or exhibit in any cemetery or crematorium any article that is a nuisance or is offensive to any other person.
- 15.3. No person shall, in or near any part of a cemetery, prevent, interrupt or delay the burial of any deceased person.
- 15.4. 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.
- 15.5. Any person installing or maintaining a memorial in a cemetery shall withdraw for the duration of any funeral service.
- 15.6. No person shall, without the permission of the Sexton, hold in any cemetery any memorial or monument unveiling or other service or ceremony of any kind.
- 15.7. No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever, or for the sale, preparation or supply of any article, material or item. No person shall solicit any order or custom from any other person, in the cemetery, for any work whatsoever, or for the sale, preparation or supply of any article. No person shall in the cemetery, accept or take any such order or custom.
- 15.8. No person shall without the consent of the family and funeral director, take any photographs or moving images at a funeral.
- 15.9. No person shall carry or consume alcohol or mind altering substances within a cemetery.
- 15.10. No person shall light or allow any fires to be lit in the cemetery.
- 15.11. No person shall dump household, commercial or industrial waste in cemetery bins or in any part of the cemetery.
- 15.12. No person shall enter any cemetery during the hours of darkness without the approval of the Sexton.

³ For further rules on conduct in public places please refer to the Kapiti Coast District Council Public Places Bylaw

- 15.13. No person may discharge any firearm in any Cemetery, whether for a military funeral or otherwise, without the approval of the Sexton.
- 15.14. No person shall be permitted to bring any livestock into any cemetery for any purpose without the approval of the Sexton.
- 15.15. 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 Authorised Officer, Approved Person, Animal Control Officer or member of the Police.

16. Disinterment

- 16.1. 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.
- 16.2. If a grave is rendered empty due to disinterment, and where there is no valid exclusive right of burial, or intent by the holder of the exclusive right of burial to use the plot in the future, or the exclusive right of burial holder cannot be found, that plot will revert back to the council and the council will not be liable to make any refund of the cost of that burial plot. Such plots may be resold by Council at its discretion.
- 16.3. The party responsible for disinterment shall be responsible for removing any remaining memorial, plaque, headstone or other installation and shall be responsible for all costs associated with any such removal.
- 16.4. Where a request for a disinterment is received by the Council, the disinterment shall be conducted pursuant to section 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of the prescribed fees.
- 16.5. It will be 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 or organiser of the disinterment.
- 16.6. No refund of the cost of the original burial or any part of that cost will be made.
- 16.7. The disinterment may only be conducted in the presence of:
- a) Council officer(s); and
 - b) A funeral director; and
 - c) Ministry of Health Inspector(s) or Health Protection Officer designated under the Health Act 1956; and
 - d) Any other person only with prior approval of the Council
- 16.8. The fee payable to the Council for the exhumation of the body of any deceased serviceman and the re-interment in the War Graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be such as may be agreed upon between the parties from time to time.

17. Records

- 17.1. The Council will keep plans of the cemeteries it controls, records of all rights of burial granted, and a record of all burials in the cemeteries. Plans and records will be open for inspection by the public at the offices of the Council during normal office hours.
- 17.2. Subject to the provisions of section 50 of the Burial and Cremation Act 1964 the Council will maintain records of each burial including the location of each person, or the ashes of each person buried or interred or disposed of in the cemetery.

18. Closing Cemeteries

- 18.1. As deemed appropriate, the Council may apply to officially close cemeteries under Part VI of the Burial and Cremation Act 1964. The Council shall maintain such cemeteries in perpetuity, subject to conditions as set under Part IV of the Act.

19. Offences and Penalties

- 19.1. 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.

20. Kapiti Coast District Council General Bylaw

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

