
ASHBURTON DISTRICT COUNCIL BYLAW

CHAPTER 19 - CEMETERIES

SCOPE

- 1900** The aim of this Chapter of the Bylaw is to regulate the use of cemeteries in the Ashburton District.

BURIALS AND SALE OF PLOTS

- 1901** Burial of human remains may be made in any cemetery where ownership or control of which is vested in the Council (and which is not closed) in accordance with the applicable statutory and regulatory provisions and subject to the requirements set forth in this Part of the Bylaws.
- 1901.1** Burial plots shall be sold upon such terms and conditions as may be decided by the Council and the exclusive right of burial may be granted in perpetuity.

BURIAL PLOTS

- 1901.2** Where an exclusive right of burial for such period as the Council shall have by resolution determined is available, not having been purchased and the full purchase price or fee in respect thereof paid and where the human remains to be buried are not those of a person in respect of whom financial relief has been granted by the Council pursuant to Clause 1922 of this Part of the Bylaws then the burial shall not take place until such time as all necessary certificates are produced and payments made to the Council.

PROVISIONS FOR ALL INTERMENTS

- 1902** No burial shall be made in any cemetery without a burial warrant.
- 1902.1** An additional charge fixed from time to time by the Council may be made in the case of the burial of a deceased person who did not reside in the District for a period of at least three calendar months immediately prior to the date of his death.
- 1902.2** In every case of intended burial within the District the funeral director or person controlling or managing arrangements for the same shall make application to the Council for a Warrant authorising such burial and in support of their application shall produce such information and evidence as the Council may reasonably require. The Council may then grant the appropriate warrant.

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- 1902.3** No such warrant shall be issued until there shall have been paid the fee for interment. Provided, however, that in the case of an interment under the management or control of a funeral director, the Council may render an account.
- 1902.4** Notification of the intended burial shall be given to the appropriate Sexton at least eight working hours prior to the time fixed or proposed for the funeral. Should a public holiday not make this period of notice possible the same may be reduced by arrangement with the Sexton.
- 1902.5** The maximum number of interments in Ashburton District Council administered cemeteries, subject to ground conditions permitting, is as follows:
- (a) Up to one casket and two ashes urns interred in one grave plot
 - (b) Up to two caskets interred in one grave plot, and no ashes urns unless under exceptional circumstances
 - (c) Up to four ashes urns interred in one grave plot
 - (d) Up to two ashes urns interred in one cremation plot.

WARRANT TO BE AUTHORITY TO SEXTON

- 1903** The burial warrant, when received by the sexton, shall be sufficient authority to him/her for such burial.

SEXTON OR ASSISTANT ONLY TO DIG GRAVE

- 1904** No person other than the sexton or his/her assistants or any other person for the time being duly authorised by the Council, shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of cover for any coffin shall not be less than one metre.

BURIAL OF ASHES

- 1905** Upon application being made and the prescribed fees paid to the Council the urn containing the ashes of any deceased person may be buried in the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

FEES

- 1906** All fees payable in respect of cemetery usage shall be from time to time fixed by resolution of the Council.

PURCHASE OF THE EXCLUSIVE RIGHT OF BURIAL

1907 Every application for the purchase of an exclusive right to burial in any part of any cemetery within the District shall be in the form from time to time required by the Council.

1907.1 No burial shall take place in any plot in respect of which the exclusive right of burial shall be held by any person unless such person shall have consented to such burial.

PURCHASER OR OWNER OF PRIVATE GROUND MAY TRANSFER

1908 Any owner of the exclusive right of burial in any plot in which no burial shall have taken place may, with the consent of the Council, transfer his/her interest in such ground to any other person.

KEEPING GRAVES IN ORDER

1909 The Council may enter into an agreement with any person to maintain in good and tidy order either itself or through its agents or contractors any grave in any cemetery upon payment to it of the full amount of the appropriate fee from time to time fixed by the Council for such services.

FENCING, TOMBSTONES, ETC

1910 Purchasers or existing owners of the exclusive right of burial in any cemetery other than a memorial park or plaque lawn cemetery may surround the plot or plots allotted to them with kerbing provided that the design, and the construction materials meet the requirements from time to time specified by the Council for such works or specific written approval is given by the Council to the development proposed for a particular plot or plots.

1910.1 All foundations for kerbs, tombstones, headstones, monuments and vaults shall be laid and constructed in accordance with good tradesmanlike building practice and in accordance with any requirements of the Council.

LAPSING OF APPLICATIONS

1911 Any application for the purchase of the exclusive right of burial in any plot or ground not previously used for interment shall lapse unless the purchase is completed by payment within 6 calendar months from the date of the application.

KEEPING IN ORDER

1912 All kerbs, headstones and other monuments shall be kept in proper repair by the purchaser of the plot in the first instance and if that purchaser shall be deceased then by the immediate family of the deceased person who is buried in the plot and if after reasonable enquiry no such person or persons can be located then Council will undertake the necessary maintenance.

SHRUBS AND TREES

- 1913** Shrubs planted in any portion of any cemetery may at any time be trimmed, removed, or cut down by the Council.
- 1913.1** No tree shall be planted in any cemetery by any person without the consent of the Council.

WHAT FEES COVER

- 1914** The fees payable when plots are purchased do not include payment for any work required to be done beyond the actual digging of an ordinary grave, and, after burial, filling or Funeral Directors topping up the grave.

LEVELLING

- 1915** Every person who encloses any plot of ground shall do all levelling work to comply with the requirements of the Council.
- 1915.1** Every such person shall remove from the cemetery all rubbish and earth not required in the filling in of the grave, or in connection with such levelling to a place approved by the sexton.

VAULTS

- 1916** Any person purchasing the exclusive right of burial in any plot of ground may, by permission of the Council, excavate the same up to the boundaries of such plot for the purpose of constructing a vault.
- 1916.1** Before any work is commenced towards the construction of any vault, the plans and specifications of the work connected therewith shall be submitted to the Council for approval, and no work shall be commenced until such approval has been obtained in writing.
- 1916.2** All vaults shall be lined throughout with masonry, with concrete, or with stone set in Portland cement, mortar, or other approved material. The entrance to the vault shall be of such material as shall be approved by the Sexton. In all cases entrances shall be securely fastened, and all work in connection with the vault shall be done to the satisfaction of the Sexton.
- 1916.3** A duplicate key of each vault shall be deposited and left with the sexton.
- 1916.4** All vaults shall be kept in proper order and repair by the owners thereof.
- 1916.5** All earth and rubbish thrown out when excavating for vaults shall be removed without delay by the person who applies for permission to construct such vault to a place approved by the sexton.

DEPOSIT OF MATERIALS

- 1917** No monumental mason or other person erecting or repairing any headstone, monument, fence, or other work, in any cemetery shall make use of any footpath or other part of such cemetery for a longer time than is reasonably necessary for the purpose of completing such work.
- 1917.1** No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in some other approved manner.
- 1917.2** The Council may construct sheds or other buildings for storage within or near any cemetery and may make such charges for the use of the same by others as it may from time to time fix.

VEHICLES

- 1918** No person shall take any vehicle of any kind into any cemetery except between or during such times as the Council may by resolution determine.
- 1918.1** No person shall permit any vehicle of any kind to remain in any cemetery without the permission of the Council.
- 1918.2** No person in control of any vehicle unless authorised by the Council shall drive the vehicle on any part of any cemetery except the roads open for vehicular traffic.
- 1918.3** No person shall drive any vehicle in any cemetery at a greater speed than 20 km/h, or than a speed indicated on any road within any cemetery.
- 1918.4** All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 1918.5** Every person driving or conducting any vehicle in any cemetery shall stop or move such vehicle as directed by the sexton.
- 1918.6** No person shall drive or conduct any vehicle in any cemetery except in accordance with and in the direction indicated by traffic notices displayed in the cemetery.

REMOVAL OF FENCES, HEADSTONES, PLANTS, ETC

- 1919** No monumental mason or other person shall, without authority, remove from any cemetery or from any grave any kerb, headstone, monument, or tablet.
- 1919.1** No person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that the Council may cause to be removed any neglected or broken material of this nature.

MISCONDUCT

- 1920** No person shall, in any part of any cemetery, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.

SOLICITING OF ORDERS

- 1921** 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.
- 1921.1** Except at the specific request of a purchaser of plots or their representatives, no person shall, in any cemetery, accept or take any such order or custom as aforesaid.
- 1921.2** No commercial photographer shall, without the consent of the funeral director, or special permit in writing for the occasion from the Council, attend any funeral for the purpose of taking photographs.

INTERMENT CHARGES:

- 1922** Where application is made to the Council for the interment at reduced charges of any deceased person, the applicant shall, on making such application, furnish to the Council a certificate duly signed by him/her certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment, and that his/her relatives and friends are unable to pay the same.

DECEASED SERVICEMEN

- 1923** Notwithstanding anything to the contrary contained in this, the fee payable to the Council for the disinterment of any deceased serviceman and the reinterment thereof in the war graves section of the cemetery, if application is made therefor by the War Graves Branch of the Department of Internal Affairs, shall be as may be agreed upon between the parties from time to time.

DISINTERMENT

- 1924** Where an application for a disinterment is received by the Council, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 its amendments or re-enactments and subject to the payment of such fee or fees as the Council shall determine.

MEMORIAL PARK (BERM OR GARDEN) CEMETERIES

1925 Interments may be made from time to time in ground in the cemetery set apart by the Council for the purpose of a memorial park (berm or garden cemetery) and shown on a plan prepared by the Council, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the Council, and no kerbings shall be erected anywhere within the precincts of such memorial park cemetery.

PURCHASE OF ALLOTMENTS

1926 Any person may upon payment of the fee prescribed by the Council purchase one or more plots. The number of plots which may be sold at any time and to any applicant shall be determined by the Council.

ERECTION OF MEMORIALS

1927 The Council shall construct a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability. The cost of the platform shall be included in the purchase price of the plot

1927.1 Concrete based work for all memorials shall not stand higher than 500mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall, where required, allow insets for flower containers.

1927.2 On surface berms (or platforms) a space of 50mm clear of such memorial foundation base shall be maintained, both front and back.

1927.3 No erected memorial shall, at the head of any plot, be higher than 1.50m from the centre point of the beam. Such memorial shall be acceptable to the Council and will comply with the appropriate New Zealand Standard.

1927.4 No erected memorial shall be of any other material than granite or concrete finished in grey or white cement only or other material approved by the Council.

1927.5 In the course of constructing bases and erecting memorials, the adjoining roads, paths or allotments shall not be damaged. However, if any such damage is caused it shall be immediately repaired at the sole cost of the person constructing the base or erecting a memorial during the course of which works the damage occurred.

1927.6 All memorials shall be kept in good repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair, may at any time be removed from the cemetery by order of the Council, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.

SHRUBS, TREES AND FLOWERS

- 1928** No shrubs, trees or flowers shall be planted and maintained in the cemetery except such as shall be planted as and where directed by the Council.

VAULTS, AND BRICKS OR WALLED-IN GRAVES

- 1929** No vaults or brick or walled-in graves above ground shall be constructed in a memorial park cemetery except in such portion as may be set aside for the purpose by the Council.

VASES OR CONTAINERS

- 1930** All vases or containers for flowers shall be housed in insets set into the base or kerb on which the memorial is placed.
- 1930.1** This shall not apply in the RSA section of any cemetery.