

NELSON CITY COUNCIL



BYLAW NO 216

**BURIAL AND
CREMATION
BYLAWS**

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Bylaw No 216

The NELSON CITY COUNCIL in pursuance of the powers and authorities vested in it by the Local Government Act 2002, the Bylaws Act 1910, The Burial and Cremation Act 1964, and any other act authorising it in that behalf, hereby makes the following Bylaw:

1) SHORT TITLE AND COMMENCEMENT

- i) This Bylaw may be cited as the “Nelson City Council Burial and Cremation Bylaw No 216”.
- ii) These bylaws will come into effect on Monday 25 August 2008.

2) INTERPRETATION

Council: Means the Nelson City Council or any person or officer delegated the authority to exercise any powers pursuant to this bylaw.

Holder: In relation to an exclusive right of burial includes the purchaser thereof and any person to whom such right might be transferred under this bylaw, and in respect of any grave includes the personal representative or family of the deceased.

Plot: Means an area of land within a cemetery set aside for the future burial of the holder of the exclusive right of burial or anybody permitted by the holder to be buried in such plot.

Grave Means an occupied plot.

3) PURCHASE OF EXCLUSIVE RIGHT OF BURIAL

- i) Any person making application on the appropriate form and paying the requisite fee may at any time purchase the exclusive right of burial in any available plot on the terms and conditions from time to time set by the Council.
- ii) Where no prior purchase of an exclusive right of burial has been made by or on behalf of the deceased at the time an application is made for an interment warrant, the exclusive right of burial shall be purchased contemporaneously with the interment warrant.
- iii) Where any poor person has been interred in any cemetery any friend or relative of a such person may, within such time as the Council might allow, purchase the exclusive right of burial in relation to the grave subject to the terms and conditions applying in respect of the purchase of such right.

4) BURIALS

- i) No person shall undertake any burial, including the burial of ashes, in any cemetery within the City without first obtaining an “Interment Warrant” from the Council.
- ii) Applications for an “Interment Warrant” shall be made on the appropriate form and be accompanied by the fee set by the Council for such warrant.

- iii) Any application for an interment warrant in respect of a deceased poor person shall be accompanied by a certificate duly signed by the applicant certifying that the deceased has not left sufficient funds to meet the cost of either or both, the interment warrant or the exclusive right of burial, and that there are no friends or family willing or able to meet these charges.
- iv) All burials shall be undertaken in accordance with the conditions from time to time set by the Council and as outlined on the “Interment Warrant”.

5) CREMATIONS

- i) No cremation shall take place in any crematorium provided by the Council unless the provisions of the applicable regulations have been complied with and the requisite fees have been paid.
- ii) All necessary applications, certificates and approvals shall be made or obtained or deposited with the Council as the case might require prior to the cremation taking place.

6) HEADSTONES - MONUMENTS

- i) No person shall erect any headstone, plaque, fence or other structure on or about any plot or grave unless they hold the exclusive right of burial in respect of that plot or grave and have obtained a permit from the Council for the work.
- ii) No person shall erect any headstone, plaque, fence or other structure on or about any plot or grave in any cemetery except in accordance with the Council standards relating to the erection of memorials, headstones or other structures.
- iii) The Council may from time to time by resolution add to or amend the standards relating to the erection of memorials, headstones or other structures.

7) UNDERTAKING WORK

- i) No person erecting or repairing any headstone, monument, fence or other work in, on, or around any plot or grave in any cemetery, shall make use of any footpath or other part of the cemetery for placing or depositing thereon any tools or material in connection with the work for a longer time than is reasonably necessary for the purpose of completing such work.
- ii) Any person who after service upon them of a notice in writing from the Council requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any such tools or material from the cemetery, shall commit an offence against this Bylaw.
- iii) No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

8) WREATHS, FLOWERS, ETC

- i) No tree shall be planted in any cemetery by any person without the consent of the Council first being obtained. Shrubs planted in any portion of the cemetery may at any time be trimmed, removed, or cut down. Reasonable attempts will be made to contact the person who undertook the planting or their representative prior to such work being undertaken so as to enable such plantings to be removed.

Provided that members or representatives of the family of the deceased may plant bulbs or similar plants on any grave within an historic cemetery.

Note: For the purposes of this provision an historic cemetery is one where the majority of burials within the immediate vicinity of the grave concerned were undertaken more than 20 years ago.

- ii) No person shall plant anything on any plot or grave, in other than a natural burial cemetery, however during a period of two (2) weeks following interment, or such longer time as may be agreed with the family of the deceased, a wreath or wreathes or other tributes may be placed on a grave, but shall be removed at the expiration of the agreed period.
- iii) After the above mentioned period has expired no person shall place on any grave more than two tributes being either flowers and foliage placed in receptacles of an approved type inset into the base on which the memorial is placed, or other appropriate items.

In the case of any lawn cemetery two receptacles may be installed adjoining and at the same level as any tablet or plaque.

- iv) The Sexton may at any time remove damaged receptacles or dead flowers or foliage, or inappropriate tributes, and at the expiration of the 2 week period or of any other period agreed with the family in accordance with Clause 8(ii), may remove any excess tributes.

9) HOURS OF OPENING

- i) No person shall enter or remain in any cemetery between the hours of sunset and sunrise.

10) VEHICLES

- i) No person shall drive any vehicle on any part of any cemetery except the roads open for vehicular traffic.
- ii) No person shall drive or park any vehicle in any cemetery other than in accordance with the traffic signs or markings therein.

11) REMOVAL OF HEADSTONES ETC

- i) No person shall, without the authority of the Council, or the holder of the exclusive right of burial in respect of any grave, remove or take from such grave, any vase, wreath, plant, flower, or any kerb, headstone or monument or any other thing. The Council may cause to be removed any neglected or broken material of this nature subject to reasonable attempts being made to contact the holder of the exclusive right or their representative prior to such removal.

12) MISCONDUCT

- i) No person shall, in any part of any cemetery, by any violent or improper behaviour, prevent, interrupt, or delay any funeral service.
- ii) No person shall on any monument, tombstone, memorial or any other structure whatsoever, place or allow to be placed any epitaph, inscription, writing or lettering or any words, marks or characters or any pictures or thing or object which might be considered objectionable.

13) DAMAGE TO MONUMENTS

- i) No person shall interfere with, disturb, remove, displace, deface, disfigure, damage, injure or destroy any building, monument, tombstone, plaque, memorial, fence, sign, notice-board or any fitting or implement of any kind within or enclosing the whole or any portion of any cemetery.
- ii) No person shall, without authority from the Council, take, deposit, remove or disturb any soil or uproot any plant, or injure any shrub, tree, hedge, or other growth within any cemetery.

14) COMMERCIAL OPERATIONS

- i) No person shall, without the consent of the Council, in any cemetery, advertise or solicit any order or custom 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.
- ii) No commercial photographer shall, without the consent of the family concerned, attend any funeral for the purpose of taking photographs.

15) ANIMALS

- i) No person shall, without the consent of the Council, take or allow to be taken into any cemetery any horse or other animal, providing that this does not apply to any dog which is kept on the leash while in such cemetery, or any stock which the Council permits to graze any part of the cemetery.

16) FEES

- i) The Council may from time to time by resolution publicly notified amend the fees or charges payable by any person in respect of any permission, certificate or service provided by the Council.

17) CHANGE OF CONDITIONS

- i) The Council may from time to time after consultation with the Nelson Funeral Directors or Monumental Masons, as the case might require, add to or amend any forms to be used or any condition to be complied with pursuant to this bylaw.

18) OFFENCES AND PENALTIES

- i) Any person who acts contrary to any provision of this bylaw or to any direction given by any Sexton or Officer of the Council in relation to the use of any cemetery, commits an offence against this bylaw and on summary conviction is liable to a fine not exceeding \$500, and where the offence is a continuing one to an additional fine not exceeding \$50 for every day or part of a day during which the ‘offence’ continues.

THE COMMON SEAL of the
NELSON CITY COUNCIL
 was hereto affixed in
 the presence of: }

..... His Worship the Mayor

..... Chief Executive