



NAPIER CITY

Cemeteries Bylaw ~~2014~~ 2021

This page is intentionally blank

**NAPIER CITY CEMETERIES BYLAW
20142021**

CONTENTS

1. Scope 7

2. Definitions 7

3. Burials 8

4. Exclusive Right of Burial..... 9

5. Fees 10

6. Hours of Operation..... 10

7. Monuments, headstones and structures..... 11

8. Deposit of Materials 11

9. Floral Tributes 12

10. Book of Remembrance 12

11. Trees and Shrubs..... 13

12. Animals 13

13. Vehicles..... 13

14. Removal of Items 13

15. Conduct in Cemeteries 13

16. Burial or Cremation of Poor Persons..... 14

17. Disinterment..... 14

18. Cemetery Records 14

19. Offences and penalties..... 15

FIRST SCHEDULE 17

SECOND SCHEDULE 18

THIRD SCHEDULE..... 19

FOURTH SCHEDULE 21

FIFTH SCHEDULE..... 23

This page is intentionally blank

INDEX

	Page
Animals Prohibited 12.1.....	13
Application for Exclusive Right of Burial 4.4, 4.5.....	10
- Lapsing of 4.5.....	10
Ashes - Burial of 3.14.....	9
Book of Remembrance 10.1.....	12
Burial of Ashes 3.13	
- Poor Person 16.1.....	14
- Times of 6.1.....	10
- Without charge 16.1.....	14
Burial of Ashes 3.14.....	9
Burials 3.1 to 3.12.....	8
- Fees 5.1.....	10
- Hours for 6.1.....	10
Cemetery Records 18.1.....	14
Cemetery Register to be Kept for Inspections 18.2.....	14
Certificate of Purchase - Exclusive Right of Burial 4.6.....	10
Charge for Reopening Covered Graves 3.9.....	8
Children Under 8 Years to be Accompanied 15.4.....	14
Conduct in Cemeteries 15.1.....	13
Deceased Servicemen 17.3.....	14
Deposit of Work Materials 8.1.....	11
Depth of Graves 3.10.....	9
Digging of Graves 3.7.....	8
Disinterment 17.1.....	14
Exclusive Right of Burial 4.4.....	10
- Certificate of Purchase 4.6.....	10
- Records to be Kept 18.1.....	14
- Transfer or Surrender of 4.7.....	10
- Valid in Perpetuity 4.1.....	9
Extra Depth of Grave 3.11.....	9
Fees and Charges 5.1.....	10
- Out of District 5.3.....	10
- Remission or Reduction of 16.1.....	14
Flowers, Wreaths, etc. 9.1.....	12
Forms 3.6.....	8
Garden of Remembrance 3.17.....	9
Graves	
- Charges for Reopening Covered 3.9.....	8
- Depth of 3.10.....	9
- To be Dug only by Sexton or Assistant 3.7.....	8
Headstones, Monuments 7.1	
- Removal of 7.7.....	11
Hours for Burials and Unveilings 6.1.....	10
Interments 3.2.....	8
Interpretation 2.1.....	7
Lapsing of Applications for Plots 4.5.....	10
Lawn Cemeteries Fifth Schedule.....	23
Levelling and Clearing Up 8.4.....	12
Maintenance of Plots and Monuments 7.6.....	11
Materials - Deposit of 8.1.....	11

Maximum Cover over Coffin 3.11 9

Memorial Park Cemeteries Fifth Schedule 25

Minimum Depth of Graves 3.10 9

Misconduct in Cemeteries 15.1 13

Mixing Cement or Mortar - Mixing Board to be Used 8.3 12

Monuments, Headstones, etc. 7.1

- Maintenance of 7.6 11
- Only one per Plot Permitted 7.4 11
- Removal of 7.7 11
- Specifications 7.3 11

Neo-natal and Stillborn Babies 4.4 10

Niche wall - Placing of Ashes 3.16 9

Offences 19.1 15

Orders - Soliciting 15.5 14

Out of District Fees 5.3 10

Penalties 19.1 15

Plants, etc. - Removal of 11.2 13

Plaque Lawn Cemeteries Fifth Schedule 24

Plots

- Boundaries 18.3 15
- Dimensions of 3.13 9
- Plans to be Kept 18.1 14
- Purchase Limited to 2 for any Person 4.2 10
- Sexton to Determine 3.1 8

Purchase of Exclusive Right of Burial 4.1 9

Records to be Kept 18.1 14

Remission or Reduction of Fees 16.1 14

Reopening Covered Graves - Charges 3.9 8

Servicemen Deceased 3.20 9

Sexton

- Or Assistant only to Dig Grave 3.7 8
- To Determine Plots for Burial 3.1 8
- To Determine Times for Burial 6.1 10
- To Determine Times for Unveiling 6.2 11

Soliciting Orders 15.5 14

Speed Limits 13.2 13

Stillborn and Neo-natal Babies 4.4 10

Storage of Tools, Materials etc. 8.1 11

Surrender of Exclusive Right of Burial 4.8 10

Times of Burials - Sexton to Determine 6.1 10

Transfer or Surrender - Exclusive Right of Burial 4.8 10

Trees, Shrubs, etc. - Not to be Planted, Removed etc. without Approval 11.1 13

Unveilings 6.2 11

Vaults not Permitted 7.5 11

Vehicles in Cemeteries 13.1 13

What Charges Cover 5.1 10

1. Scope

- 1.1 This bylaw and the Burial and Cremations Act 1964 controls activities within the Cemeteries under the Council's area of responsibility to ensure acceptable standards of Cemetery operation, and to ensure that convenience, safety, visual amenity and civic values are maintained for the wellbeing of users of the Cemeteries, residents, monumentalists, and funeral services in the City.
- 1.2 This bylaw comes into force on ~~1 February 2015~~date of adoption to be inserted.
- 1.3 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw ~~2014~~2021 are incorporated into and form part of this bylaw.
- 1.4 All Licences or permits issued under the Napier City Cemeteries Bylaw ~~2008~~2014, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.
- 1.5 All matters and proceedings commenced under the Napier City Cemeteries Bylaw ~~2008~~2014 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

2. Definitions

- 2.1 For the purposes of this bylaw the following definitions apply;

ASH PLOT means a plot which is designated as being for the burial of deceased Person's ashes.

BOOK OF REMEMBRANCE is the book kept and displayed at Wharerangi Cemetery for the purpose of recording the names, and dates of death, of persons whose ashes have been interred or scattered in that Cemetery, or any other Cemetery. This is an optional service provided by Council.

CEMETERY means any area of land within the City boundary which has been designated as a Cemetery and vested in, or under the control of the Council. This includes any closed Cemetery within the City boundary.

CHILDREN'S LAWN CEMETERY is a Cemetery exclusively for the burial of children aged 14 years and under.

EXCLUSIVE RIGHT OF BURIAL means the right to inter human remains in, and place a memorial on, a designated plot or Niche in any Cemetery that has been purchased or acquired by transfer. The acquisition of exclusive right of burial does not include ownership of the land or niche.

FUNERAL DIRECTOR means any Person, who has as their occupation the directing of funerals and/or burials.

GRANTEE means the Person who has acquired the exclusive right of burial in any plot, and includes any Person to whom such right has been duly transferred or assigned.

MANAGER means any Person appointed by the Council who is responsible for the overall management of all Cemetery assets under its jurisdiction.

NICHE means an interment Niche in a Niche wall memorial constructed in a cemetery for the placement of ashes.

PLOT means a grave plot in a Cemetery laid off and shown upon the plan of that Cemetery.

SEXTON means any Person appointed by the Council to manage the day to day activities of any Cemetery under its jurisdiction, including arranging for the provision of plots for burials.

2.2 Nothing in this bylaw will derogate from any provision of, or the necessity for, compliance with, any other statute or regulation including:

- (a) Burial and Cremations Act 1964;
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
- (c) Cremation Regulations 1973; and
- (d) Health (Burial) Regulations 1946.

3. Burials

3.1 Burials must take place in such Plots as the Sexton determines.

3.2 In the case of a first interment in any Plot, the Funeral Director, or the Person having the management or control of the burial, must provide the Sexton with details of the first interment in the form prescribed in the First Schedule, no later than 8 working hours before the time of the intended burial.

3.3 In the case of a second or subsequent interment in any Plot, the Funeral Director, or the Person having the management or control of the burial, must provide the Sexton with details of the interment in the form prescribed in the Second Schedule no later than 8 working hours before the time of the intended burial.

3.4 In all cases of intended burial, the Funeral Director or the person having the management or control of the burial shall, prior to the service, notify the Sexton in the form prescribed in the Third Schedule of the intended burial.

3.5 The Funeral Director, or where a Funeral Director is not in charge of a burial, the Person having the management or control of the burial, will be responsible for the payment to the Council of the prescribed fee for the acquisition of the Exclusive Right of Burial in that Plot and for the prescribed interment fee and other fees incurred in connection with the burial and must indemnify Council for the payment of the prescribed interment fees and other fees in connection with the burial with payment being due within 3 months of the date of burial.

3.6 The forms prescribed in the Schedules of this bylaw may from time to time be amended 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.

3.7 No Person other than the Sexton, or assistants of the Sexton, or any other Person duly authorised by the Council, must dig any grave, open the ground for burial, or fill in a grave in any part of the Cemetery. The minimum depth of cover for any casket will be no less than 1.2 metres. The Sexton may from time to time give families verbal permission to fill in graves by hand.

3.8 Notification by the Funeral Director of interment arrangements made with the Sexton (First or Second Schedule) must state whether the plot is required for burial of one, two or three bodies.

3.9 Should it be necessary in any Cemetery to carry out the work of reopening a grave covered over with concrete or similar permanent material other than earth, no liability will attach to the Council for any costs or damage done in consequence of such reopening.

- 3.10 Where the Plot is required for burial of one body or the remains of one body only, the depth of grave will be 1.5 metres and the Register of Plots will be advised to show the Plot as not available for further burials.
- 3.11 Where the Plot is required for burial of two bodies, the normal depth of a grave will be 1.8 metres and another body may be buried in the same plot if required, provided that there will be at least 1.2 metres of covering at the average surface level of the ground over the coffin last buried.
- 3.12 Where the burial of three bodies in a single Plot is desired, the grave must be dug to such depth as required to ensure that there is at least 1.2 metres of covering at the average surface level of the ground over the last coffin buried and an additional charge, of such amount as Council will from time to time by resolution prescribe, must be paid.
- 3.13 The dimensions of plots will be determined by resolution of the Council.
- 3.14 Upon application in the form of the First or Second Schedule, the Third schedule, and the prescribed fees being paid to the Council, the urn containing the ashes of any deceased Person may be buried in the appropriate portion of the Cemetery set aside for that purpose.
- 3.15 With the consent of the Sexton, and upon written application in the form set out in the First, Second, and Third Schedule (as applicable), and the prescribed fees being paid to the Council, the urn containing the ashes of any deceased Person may be buried in any plot, provided that:
- (a) An exclusive Right of Burial in that plot has been purchased; and
 - (b) The Sexton is satisfied that the plot has already been used for the burial of a body, or that it is intended that the plot be so used in the future.
- 3.16 With the consent of the Sexton, upon written application in the form set out in the First, Second, and Third Schedule (as applicable), and the prescribed fees being paid to the Council, the urn or box containing the ashes of any deceased Person may be placed in a Niche provided that an Exclusive Right of Burial in that Niche has been purchased.
- 3.17 The scattering of the ashes of cremated human bodies will only be permitted in the designated areas, except with the permission of the Sexton.
- 3.18 Children aged 14 and under may be buried in the Children's Lawn Cemetery areas and the prescribed fees will be charged.
- 3.19 Stillborn and nee-natal infants (less than 28 days old) may be buried in the special area set aside for this purpose free of charge.
- Stillborn and nee-natal infants (less than 28 days old) may be buried in any other area of the cemetery and the prescribed fees will be charged.
- 3.20 Returned Services persons may be buried in the Returned Services Cemeteries in accordance with the guidelines set out by the Department of Internal Affairs.
- 4. Exclusive Right of Burial**
- 4.1 Burial plots sold by the Council will be sold upon the terms and conditions as decided by the Council and the exclusive right of burial will be granted in perpetuity.

- 4.2 No Person will be entitled to purchase Exclusive Rights of Burial in more than 2 plots without the prior consent of the Council.
- 4.3 No burial will take place in any plot in respect of which the Exclusive Right of Burial is held by any other Person unless such person has given written consent to such burial in the form set out in the First or Second Schedule, or where the Funeral Director, or other Person having charge of the burial, is satisfied on reasonable grounds that such burial in such plot is authorised, and has completed the relevant certificate contained in the First or Second Schedule (whichever is applicable).
- 4.4 Any Person by making application to the Manager and paying the prescribed fee may acquire the Exclusive Right of Burial in a plot in any Cemetery, except a Soldiers Cemetery or Still born and Neo Natal cemetery.
- 4.5 Any application for the purchase of the Exclusive Right of Burial in any plot or ground or Niche not previously used for interment will lapse unless the purchase is completed within three calendar months from the date of application.
- 4.6 A Certificate in the form set out in the Fourth Schedule will be issued on payment of the prescribed fee and will be conclusive evidence of the acquisition and ownership of the Exclusive Right of Burial in respect of the plot. A duplicate copy may be given to the entitled Person upon satisfactory proof of the original having been lost.
- 4.7 Any purchaser who has acquired the ownership of the Exclusive Right of Burial in any plot in which no burial has taken place may, with the consent of the Manager and subject to such conditions as the Council may impose and on production to the Manager of conclusive evidence of the acquisition and ownership of the exclusive Right of Burial, assign their interest in the said plot to any other Person. Transfer of exclusive right of burial shall not be made for the purpose of financial gain.
- 4.8 Any such exclusive right no longer required by any owner thereof (or the owner's heirs, executors or assigns), on production of conclusive evidence of the acquisition and ownership of the Exclusive Right of Burial, may be surrendered to the Council and the fee paid previously to the Council at the time of purchase will be refunded.

5. Fees

- 5.1 The Council may by resolution set fees for all services provided for the operation and maintenance of Cemeteries.
- 5.2 Upon written application to the Manager any outstanding debt on a burial plot 30 years and over may be waived when a permit to erect a headstone is granted.
- 5.3 In the case of a burial of a deceased Person not residing in or not a ratepayer of Napier City, "Out of District" fees may be payable, as determined by the Sexton. This fee may also apply to the burial of a still born child if the parents were not residents or ratepayers of Napier City.
- 5.4 Upon written application, the Sexton will determine in each case whether an "Out of District" fee is applicable. In the event of any dispute the Manager will determine whether a fee is applicable.

6. Hours of Operation

- 6.1 Burials will only be allowed as follows:
- (a) Between the hours of 8:00 a.m. and 4:00 p.m. on Monday to Friday inclusive, except on Public Holidays,

- (b) Between the hours of 8:00 a.m. and 12:00 noon on Saturdays, and
- (c) Not on Sundays.

Burials outside these times are subject to approval by the Sexton and may take place only under exceptional circumstances or for religious or cultural reasons, and on payment of an additional prescribed fee. The times for all burials at any Cemetery will be those fixed by the Sexton.

- 6.2 Unveiling ceremonies will only be allowed at such times approved and fixed by the Sexton, having regard to any other burials or ceremonies taking place in the Cemetery.

7. Monuments, headstones and structures

- 7.1 A temporary plot marker, as approved by the Sexton, is permitted. Any such marker will be removed upon installation of a memorial.
- 7.2 A memorial is not permitted on any plot subject to the purchase of exclusive right of burial until payment of all associated fees has been made.
- 7.3 Upon written application by the owner of the Exclusive Right of Burial, or any duly assigned representative and payment of the prescribed fee, a permit in accordance with the Fourth Schedule will be issued for the placement of a memorial.
- 7.4 No monument shall be placed in the stillborn/neonatal area without written authorisation being provided to the Sexton.
- 7.5 Any memorial, monument, headstone or plaque must comply with the criteria set out in the Fifth Schedule. The name, initials or other identifying features of the monumentalist is not permitted in any form on any part of any memorial or Plot.
- 7.6 Only one monument, headstone or plaque memorial is permitted on any Plot, and all inscriptions relating to the interred Person must be on the one memorial.
- 7.7 Vaults, walls, surrounds or similar structures are not permitted in any Cemetery and kerbs, railings, fences or other structures are not permitted around any Plot.
- 7.8 The installation of, or repairs to, all memorials must be undertaken to the satisfaction of the Sexton and in accordance with NZS 4242, and must be kept in good order or repair by the purchasers of the plots or their representatives. Subject to the provision of the Burial and Cremation Regulations 1967 (Removal of Monuments and Tablets), the Council may remove any installations of any kind that fall into a state of decay or disrepair. A photographic record of the memorial will be taken prior to removal and retained in Cemetery records.
- 7.9 No Person will permanently remove any memorial from any Plot or Cemetery without the written permission of the Manager. Temporary removal of any memorial is permitted for maintenance purposes with the permission of the Sexton.
- 7.10 For additional inscriptions or alterations to an existing memorial the person carrying out the said work must provide in writing to the Sexton prior to the commencement of any work full details of the proposed work. A photographic record of completed work must be sent to the council.

8. Deposit of Materials

- 8.1 No Monumental Mason or other Person constructing, maintaining or ~~reparrrng~~ repairing any headstone, monument, or other work, will use any footpath or other part of such

Cemetery for placing or depositing equipment and material in connection with the work, beyond a time reasonably necessary for the purpose of completing such work.

- 8.2 Any Monumental Mason or other Person will be liable for prosecution for an offence against this bylaw if, after being served a notice in writing signed by the Manager requesting the removal of such equipment or material, that Person neglects or refuses to remove such equipment or material from the Cemetery within a time specified in such notice.
- 8.3 No Person will use any footpath or roadway in a Cemetery for the purpose of mixing cement or mortar, other than upon a proper mixing board or in a manner approved by the Sexton.
- 8.4 All earth or other material left over from any work done in a Cemetery by a Monumental Mason or other Person must be carefully removed under the direction of the Sexton. Any damage done must be made good and the surroundings cleared to the satisfaction of the Sexton.
- 8.5 If the Council so requires, a deposit must be lodged with every application for a permit to carry out any work. Such deposit will be refunded when the work has been completed to the satisfaction of the Sexton.

9. Floral Tributes

- 9.1 No Person must plant anything on any Plot.
- 9.2 The use of receptacles for flowers, other than those approved by the Sexton or the Manager, is prohibited in all Cemeteries.
- 9.3 A wreath or other floral tribute may be placed on a plot following an interment but may be removed by the Sexton after a period of ten (10) days.
- 9.4 In all other cases floral tributes must be restricted to:
- (a) In ground lawn plaque: One receptacle of the approved type placed on, and contained within, the area of the plaque and its surround;
 - (b) Limited Headstones: Two receptacles of the approved type are permitted and must be an integral part of the base;
 - (c) Plaque Beam: One receptacle of the approved type placed on, and contained within, the area of the plaque and its surround;
 - (d) Rose Gardens: One receptacle of the approved type is permitted.
- 9.5 In all areas not specified above, the use of one flower receptacle of the approved types will be permitted.
- 9.6 All receptacles for flowers in any Cemetery must be placed in such a manner as approved by the Sexton.

10. Book of Remembrance

- 10.1 Upon application being made to the Manager and payment of such fee as is prescribed from time to time by the Council, there will be entered into the Book of Remembrance in the appropriate page, the name, age, and date of death of the Person in respect of whom such application is made and such fee paid.
- 10.2 The Book of Remembrance will record the full name, age and date of death of any deceased Person to be commemorated, and will display the current day.

11. Trees and Shrubs

- 11.1 No tree or shrub shall be planted in any part of any Cemetery by any Person without the consent of the Manager.
- 11.2 No tree or shrub shall be cut down, trimmed, dug up, destroyed, damaged or removed from any Cemetery by any Person without the consent of the Manager.
- 11.3 The management of all trees, shrubs and gardens in all Cemeteries is controlled by the Manager.

12. Animals

- 12.1 No Person must allow any animal into, or allow any animal to accompany them into, any Cemetery (except for a dog on a leash), without the consent of the Manager.

13. Vehicles

- 13.1 Every Person driving or in charge of any vehicle in any Cemetery must stop or move such vehicle as directed by the Sexton, or assistants of the Sexton, or an Authorised Officer.
- 13.2 No vehicle must be driven at a greater speed than 20 km/h as indicated on any road within the Cemetery, and in any direction other than the direction indicated by traffic notices.
- 13.3 All vehicles other than hearses must yield unconditional right of way to any funeral procession.
- 13.4 Any Person installing or attending to a memorial in a Cemetery must withdraw for the duration of an adjoining funeral service.
- 13.5 No Person must take any vehicle of any kind into any Cemetery between the hours of sunset and 8:00 a.m. the following day, or at such other time as the Council by resolution decides.
- 13.6 No Person must permit any vehicle of any kind under his control to remain in any Cemetery after sunset on any day without the permission of the Manager.
- 13.7 No Person in control of any vehicle must drive or conduct the same, or permit the same, to be on any part of any Cemetery except the roads or pathways provided for vehicular traffic, unless authorised by the Council.

14. Removal of Items

- 14.1 Any bona fide Person attending to and decorating or caring for any grave or Plot may replace or remove any vase, plant, flower or other thing from that grave or Plot; provided that the Sexton may cause to be removed any neglected, unsafe or broken material of this nature.
- 14.2 Any item placed on a grave/memorial deemed by the Sexton or the Manager to be offensive, unsightly or inappropriate will be removed.

15. Conduct in Cemeteries

- 15.1 No Person must prevent, interrupt, delay, or disturb any funeral or burial service or proceedings, in or near any part of any Cemetery.

- 15.2 No Person must cause nuisance or annoyance to persons lawfully within any Cemetery, or approaching any Cemetery for a lawful purpose.
- 15.3 No Person must enter or remain in any Cemetery between sunset and 8:00 a.m. the following day except with the prior written approval of the Manager.
- 15.4 No child under the age of eight years must enter or be in any Cemetery unless accompanied by an adult in charge of such child.
- 15.5 No Person must advertise or solicit custom from any other Person within any cemetery.
- 16. Burial or Cremation of Poor Persons**
- 16.1 In accordance with the provisions of Section 49 of the Burial and Cremation Act 1964, where application is made to the Council for the interment of any deceased poor Person, the burial may be permitted at no charge upon receipt of an order signed by a Justice of the Peace.
- The order must certify that such deceased Person has not left sufficient means to pay the ordinary charge of interment or cremation, that the cost of burial is not covered by any accident compensation entitlement, and that any relatives or friends are unable to pay the same.
- 16.2 In the event of such burial a headstone or monument will be permitted only on the payment of all fees deemed owing at the time of burial, and with the permission of the Manager.
- 17. Disinterment**
- 17.1 Where an application for a disinterment is received by the Sexton, the disinterment must be conducted pursuant to section 51 of the Burial and Cremation Act 1964, and subject to the payment of such fees as the Council prescribes.
- 17.2 Should it be necessary in any Cemetery to carry out the work of reopening a grave covered over with concrete or similar permanent material other than earth, no liability will attach to the Council for any costs or damage done in consequence of such reopening.
- 17.3 The fee payable to the Council for the disinterment 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, will be as agreed upon between the parties at the time.
- 18. Cemetery Records**
- 18.1 Every plot in each Cemetery will be identified by a number which will be accurately recorded in a Register of Plots to be kept in the offices of Council. In addition, a permanent record will be kept of all Plots for which Exclusive Rights of Burial have been purchased, the name of the purchasers, date of purchase, the amount paid for such purchase, and the names and dates of interment of any Persons buried in such plots.
- 18.2 The Register of Plots will be open for inspection without fee during ordinary working hours at the offices of Council. The Cemetery registers will also be open for inspection at all reasonable times and upon payment of such fee as from time to time determined by the Council.

18.3 The Council will endeavour to give the correct boundaries of any Plot or Plots when selling the Exclusive Right of Burial therein, but will not be liable to the purchaser for any error subsequently found.

19. Offences and penalties

19.1 Every Person commits an offence under section 239 of the Act who does any of the following:

- (a) Does anything, or causes anything to be done, or knowingly permits anything to be done, contrary to any provision of this bylaw;
- (b) Omits or neglects to do, or knowingly permits to remain undone, anything in this bylaw at the time and in the manner provided;
- (c) Does not refrain from doing anything as required under any provision of this bylaw to refrain from doing;
- (d) Knowingly permits any condition of things to exist contrary to any provision of this bylaw;
- (e) Refuses or neglects to comply with any notice duly given under any provision of this bylaw; or
- (f) Obstructs or hinders any Authorised Officer, or Authorised Agent of the Council in the performance of any duty to be discharged by such officer, or agent under, or in the exercise of, any power conferred under this bylaw, or any provision thereof.

Any person who commits an offence under section 239 of the Act is liable to a fine as specified in section 242 of the Act, or to the issue of an infringement notice under section 245 of the Act, or to such other sums as penalties as may be prescribed in the Burial & Cremation Act 1964 from time to time.


In all cases the Council may recover costs associated with damage to Cemeteries and/or breach of this bylaw in accordance with section 175 and 176 of the Act respectively.

To be inserted following adoption


~~This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.~~

~~Sealed with the Common Seal
Of the Napier City Council
In the presence of:~~





Mayor



Chief Executive



No. _____

FIRST SCHEDULE

Napier Cemeteries - Details for Burials First Interment

This plot will ultimately be required for:

Burial: One Two Three - Interments

Ash: One Two Three Four Five Six - Interments

Cemetery:

Full Name of Person to be Interred: _____

Type of Burial: Casket Ash Urn Scattering of Ashes Memorial only

Area: Beam Rose Gardens Plaque Beam Upright Cremation Area In ground Plaque

Neo Natal Childrens Niche Wall Services

Date of Interment: _____

Preferred Time: _____

Size of Casket/ Urn:(widest external dimensions)

Funeral Director: _____

Plot/Niche: _____ Section / Row: _____ Page / Wall: _____

Complete whichever applies, A or B

(A) Plot owner I ----- being the holder of exclusive right of burial for this plot hereby consent to this interment taking place.

OR

(B) Other authorised person I ----- being the Funeral Director/ person having charge of this interment and having carried out due enquiry am satisfied that this interment is/was authorised by the holder of the exclusive right of burial or his/her heirs, executors, administrators or assis gns.

Signed _____

OFFICE USE ONLY

----- confirm your request for the interment of the late

Mr /Mts /Miss /Ms: -----

----- Time of Interment: _____

PLOT DETAILS:

Signed: _____

Plot/ Niche: _____

Section/Row: _____

Page/ Wall: _____

Cemetery: _____

NOTES:



No. _____

SECOND SCHEDULE Napier Cemeteries - Details for Burials Second, Third or Fourth Interment

Second Interment: Third Interment: Fourth Interment: Fifth Interment: Sixth Interment:

This plot will ultimately be required for a Third, Fourth, Fifth or Sixth interment/ this is the Final interment in this plot. **(Delete whichever does not apply)**

Type of Burial: Casket Ash Urn Scattering of Ashes Memorial only

Full Name of Person To Be Interred : _____

Date of Interment : _____ Preferred Time: _____

Size of Casket/ Urn: (widest external dimensions) _____

Funeral Director: _____

Full Name/s of Deceased Already Interred : _____

Date of Interment/s: _____ Cemetery: _____

Plot:/ Niche _____ Section/ Row _____ Page/ Wall _____

Complete whichever applies, A or B

(A) Plot owner _____ being the holder of exclusive right of burial for this plot hereby consent to this interment taking place.

OR

(B) Other authorised person _____ being the Funeral Director/ person having charge of this interment and having carried out due enquiry am satisfied that this interment is/ was authorised by the holder of the exclusive right of burial or his/her heirs, executors, administrators or assigns.

Signed: _____

OFFICE USE ONLY _____

_____ confirm your request for the interment of the late

Mr/Mrs/Miss/Ms: _____

Date: _____ **Time of Interment:** _____

PLOT DETAILS: _____ **Cemetery:** _____

Plot/ Niche: _____

Section/ Row: _____

Page/ Wall: _____

NOTE
S:

Signed: _____



THIRD SCHEDULE

Notification by Funeral Director of Interment Arrangements made with Sexton

CEMETERY

Funeral Directors must:

- (a) Prior to making funeral arrangements, obtain the approval or concurrence of the Sexton to the date and time of burial and the grave to be used.
- (b) Complete their portion of this notification and hand it to the Sexton or person acting as Sexton prior to the burial.

1. Full name of Deceased _____
2. Sex/ Age _____
3. Late Residence _____
4. Late Occupation _____
5. Date of Death _____
6. Date and Time of Burial _____
7. Reference to Plot / Niche: _____ Section / Row: _____ Page / Wall: _____

8. FEES PAYABLE FOR THIS INTERMENT/ PURCHASE

Incl. GST

	Incl. GST	OFFICE USE ONLY
Purchase of Exclusive Right of Burial: Plot/Niche Section/Row Page/Wall	\$	
Purchase of Exclusive Right of Burial in plot for future use: Plot/Niche Section/Row Page/Wall	\$	
Monument Permit Fee	\$	
Interment/Registration Fee	\$	
Service Fee	\$	
Extra Depth	\$	
Out of District Fee	\$	
Additional Fee (e.g. Saturday Fee)	\$	
Out of hours Phone Call	\$	
TOTAL, incl. GST	\$	RECORD NO.
(GST component)	(\$)	DEBTOR NO.
		INVOICE NO.

Third Schedule Continued

9. Name and address of Funeral Director: _____

Date _____ (Signature) _____

Name and address of Person for Whom Exclusive Right of Burial is to be Purchased _____

(For use only where a Funeral Director is not in charge of a Burial)

11. INDEMNITY FOR PURCHASE AND PAYMENT OF EXCLUSIVE RIGHT OF BURIAL AND INTERMENT FEES

In respect of the interment of the late _____

I (Name in Full) _____

Of (Postal Address) _____

Please carefully read the following before signing:

I hereby agree to accept liability for the payment of fees to be paid to the Napier City Council within three months of the date hereof. I further agree that no monument or headstone will be erected on the grave / niche until all fees have been paid in full. In respect to a niche, I understand that it is my responsibility to place the ashes therein, sealing and placing a plaque thereon. The plaque must conform to the specification set out in the cemetery bylaw.

Date _____ Signature of Person Accepting Liability _____

OFFICE USE ONLY

First **D** Second **D** Third **D** Fourth **D** Fifth **D** Sixth **0** Interment Depth

Name(s) of Person(s) (interred in plot) _____

CERTIFICATION OF INTERMENT BY SEXTON

I hereby certify that the body of the deceased person referred to above was buried on ____/____/____

Plot / Niche: _____ Section/ Row: _____ Page/Wall: _____

Signature of Sexton: _____



No. _____

FOURTH SCHEDULE

Certificate of Purchase of Plot

_____ CEMETERY

Burial No:

IN CONSIDERATION of the sum of Dollars
..... Cents

THE NAPIER CITY COUNCIL DOES HEREBY GRANT unto.....
of.....

(his/her heirs, executors, administrators or assigns) the exclusive right of burial in perpetuity in the parcel of land in the above Cemetery, being Plot No. of Section No. Page No. of that part of the said Cemetery, set apart for the burial of members of any church, shown on the plan of the said Cemetery and measuring metres long by metres wide.

SUBJECT, however, to the provisions of the Burial and Cremation Act 1964, and any amendments thereof, and **SUBJECT** also to the provisions of any Bylaws, Rules and Regulations now or hereafter passed or made relating to the said Cemetery .

SIGNED AT NAPIER THIS DAY OF 20
..... Cemetery Clerk

No. -----



Certificate of Purchase of Niche

At WHARERANGI ESKDALE..... CEMETERY

Wall No. Row No. Niche No.

IN CONSIDERATION of the sum of \$.....
Dollars Cents

THE NAPIER CITY COUNCIL DOES HEREBY GRANT unto.....
of.....

(his/her heirs, executors, administrators or assigns) the authority to have ashes placed in said niche and sealed with an inscribed plaque thereon, **SUBJECT**, however, to the provisions of the Burial and Cremation Act 1964, and any amendments thereof , and **SUBJECT** also to the provisions of any Bylaws, Rules and Regulations now or hereafter passed or made relating to the said Cemetery.

SIGNED AT NAPIER THIS DAY OF 20

Record No: Cemetery Clerk

This Certificate is issued on the condition that the maker's name will not appear on the plaque.



No. _____

Monument Permit

This Permit is issued on the condition that the Maker's name will not be inscribed on the monument.

----- **CEMETERY**

Issued Subject to Notification endorsed hereon _____

Authority is issued to.....
to place new Monument with Inscription thereon as undermentioned on

Plot No: Section No: Page:

Owned by Mr/Mrs/Miss/Ms:.....

Record No: Size of Plot: m by m

Details of Monument:-

[Inscription]

DATE..... 20

.....Cemetery Clerk

This authority must be produced to the Sexton before any material is placed on the ground, or work commenced.

A photographic record of the completed installation must be supplied to Council



FIFTH SCHEDULE

Headstone and Monument Provisions

In all Cemeteries -

1. A permit or written application, whichever is applicable must be delivered to the Sexton before any monumental work is commenced and all work must be completed to the Sexton 's satisfaction.
2. . No headstone, railing , kerbing, plaque, tablet, wall surround, monumental work or other memorial work must be carried out upon, or erected or placed upon, around or in, any Plot unless such memorial work conforms in all respects with the type and specifications as set by the Council and must be of a type and dimensions specified and must be constructed of such material in accordance with this schedule.
3. . No walls or surrounds must be erected on anyplot without the consent of the Sexton .
4. Where applicable no Person must erect or place or cause to be erected or placed on any Plot any monument or headstone except on the concrete headstone berm provided.
5. . No in ground lawn plaque must be erected or placed upon or in any Plot so that any portion of such headstone or plaque is higher than 12mm below the level of the ground immediately adjoining .
6. No monumental mason's name or initials must appear or be placed on any headstone berm or monument, headstone, plaque or base.
7. Only one monument, headst one, tablet or plaque must be placed on any plot or as approved by the Manager following written application .

Returned Services Men and Women Lawn Cemeteries

Burials within the Returned Services Men and Women Cemeteries must adhere to the guidelines as set out by the Department of Internal Aff airs. Only plaque memorials are permitted and these must be as supplied by the Department of Internal Aff airs. Prior to installation of any plaque written notification must be received by the Sexton .

Lawn Cemete Burials

In lawn Cemeteries all monuments must comply with the following specifications -

1. . Bases must be so positioned that 1 50mm of the concrete berm is left clear of all masonry at the front of the monument or headstone.
2. In flat or level areas, no base must stand above the concrete headstone berm at a height of more than 1 50mm measured at the centre of the base.
3. In hill areas, no base must stand above the concrete berm at a height of more than 150mm measured at the lowest end of the base .
4. All bases must be secured to the concrete berm by mild steel reinforcing rods or approved fibre glass rods; in the case of a base to hold a headstone on a single Plot by a 12mm rod, and in the case of a base to hold a headstone on a double Plot by two 12mm rods.
5. No coloured cements are to be added or used on any bases, nor is any base to be painted, except with the consent of the Council.
6. When necessary to level a granite base a white plastered concrete wedge will be permitt ed. The maximum height of the wedge must be no greater than that required to level thebase.
7. All monuments and headstones must be made of granite or such suitable material as the Manager may from time to time approve.
8. All tablets or plaques used as name plates on monuments and headstones must consist of granite or such suitable material as the Manager may from time to time approve. Where an approved plaque is used, it must be fixed as directed by the Se xton .
9. In ground lawn plaques must be set 12mm below the level of the ground and in such a position and alignment as the Sexton directs.
- 10 . The following colours of granite will be allowed (unless otherwise specified): Grey, black, brown, blue, green, red, and white.

Western Hills Cemetery

Limited Headstone Areas

	<i>Base:</i>	<i>Plinth:</i>	<i>Headstone:</i>
	Granite OR White Plastered Concrete	Granite	Granite
A: Single Plot	915mm x 450mm	Max. 915mm x 250mm	900mm width
B: Twin plot	1200mm x 450 mm	Max. 1200mm x 250mm	1200mm width
Height:	Max.150mm	Max.100mm	Max.900mm above base/plinth

Plaque: Granite

Plaque Beam Area

A: Single Plot 600mm wide x 650mm long

Between 20-25mm thick, polished edges optional

Eskdale Cemetery

Limited Headstone Areas

	<i>Base:</i>	<i>Plinth:</i>	<i>Headstone:</i>
	Granite or White Plastered Concrete	Granite	Granite 900mm
A: Single Plot	915mm x 450mm	Max. 915 mm x 250mm	width 1200mm
B: Twin plot	1200mm x 450 mm	Max. 1200mm x 250	width
Height:	Max.150mm	Max 100mm	Max.900mm above base/plinth

Taradale, Wharerangi, Park Island &

Western Hills In-ground Cemeteries

Existing plots only with memorials on a case-by-case basis.

Children's Lawn Cemeteries

In Children's Lawn Cemeteries monuments must be to the following specifications;

Western Hills Cemetery

Limited Headstone Areas

	<i>Base:</i>	<i>Plinth:</i>	<i>Headstone:</i>
	Granite or White Plastered Concrete	Granite	Granite.
A: Single Plot	915mm x 450mm	Max. 915mm x 250mm	900mm width
Height:	Max.150mm	Max.100mm	Max.900mm above base/plinth

Park Island Cemetery

In ground plaque

Plaque:

- A: Single Plot 450mm x 500mm plaque plastered flush in 600 mm x 650mm concrete surround
- B: Single Plot 450mm x 250mm plaque plastered flush in 600 mm x 650mm concrete surround

Plaque must be set 12mm below the level of the ground and in such position and alignment as the Sexton directs

Stillborn and Neo-natal Cemeteries

In stillborn and neo-natal cemeteries monuments must be to the following specifications;

Western Hills Cemetery

Kerb Plot

Plaque: (placed on the concrete strip provided)

Granite - Grey, blue, black or green

A: Single Plot 205mm wide x 125mm long (20mm thick with polished edges).

Park Island Cemetery

Beam Plot

Base:

Headstone:

Granite or White plastered concrete

Granite

A: Single Plot 605mm wide x 250mm long 420mm wide

Height: Max. 150mm

Max. 325mm above base.

Ash plot memorials

Taradale Cemetery

Rose Ash Plot (desk on concrete beam)

	<i>Desk:</i>	<i>Plaque:</i>	<i>Planting:</i>
	Concrete	Granite	
A: Single Plot	750mm x 750mm	450mm wide x 300mm long	One standard rose
Height:	Max. 50mm	150mm rear/25-50mm front.	(to rear of plaque)

Wharerangi Cemetery

Niche Wall

	<i>Plaque:</i>	
	Granite - Grey, blue, black or green OR Bronze - engraved or cast	
A: Single Space	180mm x 125mm	

Lawn Plaque Plot (1.2m x 1.2m)

	<i>Plaque:</i>	
	Granite - Grey, blue, black or green, OR Bronze - engraved or cast	
A: Single Plot	450mm wide x 500mm OR 250mm long	

Set flush in concrete surround to a maximum size of 600mm wide x 650mm long and set 12mm below the level of the ground and in such position and alignment as the Sexton directs.

Ash Beam Limited Headstone Plot

	<i>Base:</i>	<i>Headstone:</i>
	Granite or White Plastered Concrete	Granite
A: Single Plot	605mm x 250 mm	420 mm width
Height:	Max. 50mm	Max. 325 mm above base

Western Hills Cemetery

Rose Garden (Plaque on concrete kerb)

	<i>Plaque:</i>	
	Beds 1 - 14	Beds 15 onward
	Granite - Grey, blue, green and black	Granite - Grey or Black
	OR Bronze - engraved or cast	20mm thick. Polished edges
A: Single Plot	150mm x 80mm	205mm x 125mm

Upright Cremation Area (no plaque)

	<i>Base:</i>	<i>Plinth:</i>	<i>Headstone:</i>
	Granite	Granite	Granite
A: Single Plot	650mm x 350 mm	Max. 650mm x 230 mm	Max. 600 mm width
Height:	Max. 100mm	Max. 75 mm	Max. 550 mm above base/plinth

Native Plant Area

Ashes may be scattered in this sheltered walking area

Eskdale Cemetery

Niche Wall

	<i>Plaque:</i>
	Granite - Grey, blue, black or green OR Bronze - engraved or cast

B: Double Space 350 mm x 175mm