

**WAIKATO DISTRICT COUNCIL**  
**CEMETERIES AND CREMATORIA BYLAW 2008**

In exercise of the powers and authorities conferred on it under Part 8 of the Local Government Act 2002 and all other authorities enabling it in that behalf, the Waikato District Council made the following bylaw pursuant to a resolution passed on 25 March 2008.

**A. TITLE**

The bylaw shall be known as the “**Waikato District Council Cemeteries and Crematoria Bylaw 2008**” and shall consist of the “New Zealand Standard Model General Bylaw 9201:Part 14:1999 – Cemeteries and Crematoria” attached hereto, subject to the modifications set out in the First Schedule annexed to the bylaw.

**B. COMMENCEMENT**

The bylaw shall come into effect on 1 April 2008.

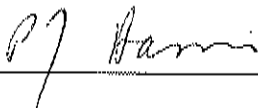
**C. APPLICATION**

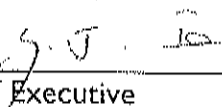
The bylaw shall apply to the Waikato District (*with the exception of the Newstead Cemetery which is controlled and administered by the Hamilton City Council*).

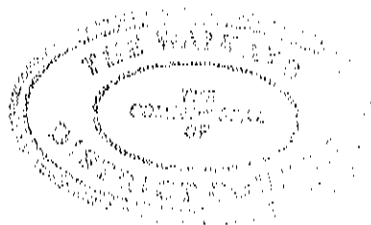
**C. REVOCATION OF PREVIOUS BYLAW**

The “Waikato District Council (General) Bylaw No. 1 (1990), Chapter 14:1972 – Cemeteries and Crematoria” is revoked from the date the new bylaw comes into effect.

The Common Seal of the Waikato )  
District Council was hereto affixed )  
In the presence of: )

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Executive



## FIRST SCHEDULE

**Modifications to New Zealand Standard Model General Bylaw 9201:Part 14:1999 to form part of the Waikato District Council Cemeteries and Crematoria Bylaw 2008.**

**Page 2**      **New Zealand Legislation**

Replace "Local Government Act 1974" with "Local Government Act 2002".

**Page 3**      **Foreword**

First paragraph:    Replace "Local Government Act 1974" with "Local Government Act 2002".

Last paragraph:    Delete the last paragraph.

**Page 5**      **1400 Scope**

Second paragraph: Replace with the following paragraph:

This bylaw is made pursuant to Part 8 of the Local Government Act 2002 and the Burials and Cremations Act 1964.

**1401 Definitions and Interpretation**

1401.1:            Add the following definitions:

AUTHORISED OFFICER means any person appointed or authorized by the Council to act on its behalf and with its authority.

COUNCIL means Waikato District Council or any officer authorized to exercise the authority of the Council.

DISTRICT means the district within the jurisdiction and under the control of the Council.

**Page 10**      **Add new clause 1415:**

**1415 OFFENCES AND BREACHES**

Any person commits a breach of this bylaw who:

1415.1 Does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this bylaw shall be deemed to have committed a breach of such and shall be liable accordingly; or

1415.2 Does anything o causes any condition to exist for which a permit or approval from the Council is require under this bylaw without first obtaining that permit or approval; or

1415.3 Fails to comply with any notice or direction given under this bylaw.

1416 **PENALTIES**

1416.1 Every person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000.00).

New Zealand Standard

# Model General Bylaws

Part 14 – Cemeteries and Crematoria

Superseding NZS 9201:Chapter 14:1972



STANDARDS  
NEW ZEALAND  
MEMBER OF ISO/IEC

NZS 9201:Part 14:1999

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**COMMITTEE REPRESENTATION**

This Standard was prepared under the supervision of the Model General Bylaws Committee (P 9201) for the New Zealand Standards Council established under the Standards Act 1988.

The Committee consisted of representatives of the following:

- Auckland City Council
- Department of Internal Affairs
- Local Government New Zealand
- Manukau City Council
- Porirua City Council
- Southland District Council
- Timaru District Council

**ACKNOWLEDGEMENT**

The assistance of the Funeral Directors Association of New Zealand and the New Zealand Master Monumental Masonry Association in the preparation of the draft is gratefully acknowledged.

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AMENDMENTS			
No	Date of issue	Description	Entered by, and date

**RELATED DOCUMENTS**

NZS 4242:1995 Headstones and cemetery monuments

**NEW ZEALAND LEGISLATION**

Burial and Cremation Act 1964  
 Burial and Cremation (Removal of Monuments and Tablets)  
 Regulations 1967  
 Cremation Regulations 1973  
 Health (Burial) Regulations 1946  
 Local Government Act 1974

**FOREWORD**

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 14:1972 *Cemeteries and crematoria*. The revision has been simplified by bringing under one section the various provisions for vaults, plaque lawn cemetery and memorial park cemetery.

The Committee was assisted in the drafting of this part of the model general bylaws by the Funeral Directors Association of New Zealand and the New Zealand Master Monumental Masons' Association.

Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

## NEW ZEALAND STANDARD

### MODEL GENERAL BYLAWS Part 14 CEMETERIES AND CREMATORIA

#### 1400 SCOPE

The purpose of this Part of the bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and the Burials and Cremations Act 1964.

#### 1401 DEFINITIONS AND INTERPRETATION

##### 1401.1

For the purposes of this bylaw the following definitions shall apply:

**CEMETERY** means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

**CREMATORIUM** and **CREMATORIA** means any crematorium maintained by the Council.

**MANAGER** means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the bylaw.

**SEXTON** means any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction. Such activities to include arranging for the provision of plots for burials.

##### 1401.2

Nothing in this Part of the bylaw shall derogate from any provision of, or the necessity for, compliance with the:

(a) Burial and Cremation Act 1964;

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

#### 1402 BURIALS AND SALE OF PLOTS

##### 1402.1

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.

##### 1402.2

No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.

##### 1402.3

Burials shall take place in such plots as the Manager shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.

##### 1402.4

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one metre.

##### 1402.5

Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

#### 1403 FEES

##### 1403.1

The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.

##### 1403.2

"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 for a predetermined time. The time frame for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Manager appointed by the Council shall determine in each case whether an "out of districts" fee is applicable.

#### 1404 HOURS OF OPERATION

Funerals may be held on such days and at such times as the Council shall determine.

#### 1405 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC.

##### 1405.1

All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 and kept in good order or repair by the purchasers of the plots or their representatives. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installations of any kind that shall fall into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

##### 1405.2

Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.

##### 1405.3

The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

##### 1405.4

No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.

1405.5

No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.

1405.6

All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.

1405.7

No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part thereof shall project above the ground immediately adjoining it.

1405.8

Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.

1405.9

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 Council may cause to be removed any neglected or broken material of this nature.

1406 SHRUBS AND TREES

No tree or shrub shall be planted in any part of any cemetery by any person without the consent of the Council being first obtained.

1407 VEHICLES

1407.1

Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.

1407.2

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.

1407.3

All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

1407.4

Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

1408 SOLICITING OF ORDERS

1408.1

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.

1408.2

Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order of custom as aforesaid.

1408.3

No person shall without the consent of the funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

1409 BURIAL OR CREMATION OF POOR PERSONS

Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this Part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

1410 DECEASED SERVICEMEN

The fee payable to the Council for the disinterment of any deceased servicemen and the reinterment 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 as agreed upon between the parties at the time.

1411 DISINTERMENT

Where a request for a disinterment and/or a reinterment 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.

**1412 CREMATION**

**1412.1**

An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The Council will not hold ashes beyond 3 months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.

**1412.2**

The casket containing any deceased person intended for cremation shall be made of an approved combustible material.

**1412.3**

No casket shall be opened after admission to the crematorium without the consent of the Sexton.

**1412.4**

The Council shall determine the hours of operation of its crematorium.

**1412.5**

Every application for cremation together with all the necessary documentation shall be deposited with the Manager prior to cremation.

**1413 SAFETY**

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Sexton shall fill in a grave.

**1414 MONUMENTAL WORK IN CEMETERIES**

The installation of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.

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Approved by the Standards Council on 8 September 1999 to be a New Zealand Standard pursuant to the provisions of section 30 of the Standards Act 1988.

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The following references relate to this Standard:

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