

# **RODNEY DISTRICT COUNCIL**

## **RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998**

### **CHAPTER 2**

### **CEMETERIES**

#### **EXPLANATION**

This part of the bylaw is made under Section 146(b) (v) of the *Local Government Act 2002*. It is made for the purpose of managing, regulating against or protecting from damage, misuse, or loss, or for preventing the use of the land, structures, infrastructure associated with cemeteries under the Council's control. It allows for the Council to fix a scale of fees in respect of the preparation and maintenance of burial or interment places and monuments.

It does not cover terms and conditions of burial or other forms of interment, which are specific to the named cemetery.

In addition to the provisions of this Bylaw, the operation of cemeteries falls within the jurisdiction of the following legislation and requirements:

- the Burial and Cremation Act 1964
- the Burial and Cremation Regulations 1967
- the Reserves Act 1977
- the Management Plan for any cemetery (if applicable)
- the Council Handbook for each cemetery which details the terms and conditions of burial.

The terms and conditions of burial are available from the Council offices, and are subject to change from time to time.

## **1.0 MAINTENANCE**

- 1.1 All kerbs, enclosures, tombstones, headstones, other monuments and their base structures, shall be kept in good order and repair by the plot purchasers and their successors. All such structures which fall into a state of decay or disrepair may be removed from the cemetery, in accordance with the notice provisions of the Burial and Cremation Regulations 1967.
- 1.2 No glass jars, tins or vases may be used as flower containers and no flower container or tribute may be attached to any memorial wall or plaque, without the consent of the Council which may waive these restrictions for compassionate or cultural reasons.
- 1.3 An authorised officer of the Council may remove any floral or other unfixed tributes at any time after the fifth day following the placement of such tribute.
- 1.4 No tree or shrub shall be planted on any part of any cemetery by any person without consent of the Council being first obtained.

## **2.0 VEHICLES**

- 2.1 No vehicle other than a hearse or any other vehicle necessary for interment or any vehicle necessary for the maintenance of the cemetery or any cemetery plot may enter a cemetery.
- 2.2 Vehicles permitted to enter any cemetery shall not:
- (a) be driven on any part of a cemetery except on roads or access ways nominated for this purpose.
  - (b) be driven at speeds in excess of 10 km per hour.

## **3.0 MISCONDUCT**

No person shall prevent, interrupt, disturb or delay a funeral service or interment process.

## **4.0 SOLICITING OF ORDERS**

No person shall in any cemetery:

- (a) Advertise or solicit any order or custom for the sale, preparation or supply of any article or material;
- (b) Accept or take any order or custom, except at the specific request of a purchaser of a plot.

## **5.0 PHOTOGRAPHY**

No commercial photographer shall without the consent of the funeral director or the deceased persons next of kin, attend any funeral for the purpose of taking photographs.

- 6.0 No person shall damage or misuse any part of a cemetery or any structures within it.

**7.0**      **OFFENCES**

Any contravention of Clauses 1, 2, 3, 4 and 5, shall be an offence against this bylaw and any person convicted of an offence is liable to a fine not exceeding \$20,000 under to Section 242(4) of the Local Government Act 2002.

**8.0**      **INFRINGEMENT OFFENCES**

Any contravention of Clauses 1, 2, 3, 4 and 5, shall be an infringement offence against any regulations made under Section 259(b) of the Local Government Act 2002, to which the provisions of Sections 243 to 246 of that Act shall apply.

**9.0**      **FEES**

The Council may by resolution publicly notified, under Section 150(1)(a) of the Local Government Act 2002, prescribe fees in respect of cemeteries and may under Section 150(2) in specified situations, provide for the refund, remission, waiver or progressive payment of any fee.