

HUTT CITY COUNCIL CEMETERIES BYLAW 2017

**ADOPTED BY COUNCIL 12 DECEMBER 2017
EFFECTIVE 1 JANUARY 2018**

CONTENTS

- 1. Interpretation 3
- 2. Interments 3
- 3. Digging the ground in a cemetery 3
- 4. Backfilling plots..... 3
- 5. Interruption of interment 4
- 6. Disinterments 4
- 7. Restoration of plot and monument 4
- 8. Plants..... 4
- 9. Damage to cemetery 4
- 10. Rules..... 4

1. INTERPRETATION

“**Bylaw**” means this Cemeteries Bylaw.

“**Cemetery**” means any land that is under the control of the Council to which the definition of “cemetery” in section 2 of the Burial and Cremation Act 1964 applies.

“**Council**” means the Hutt City Council.

“**Disinterment**” means the removal of a human body or container of the ashes of a human body from a plot.

“**Interment**” means the burial of a human body, or placement of a container of ashes resulting from a cremation, into a plot, and “interred” has a corresponding meaning.

“**Monument**” has the meaning set out in section 2(1) of the Burial and Cremation Act 1964.

“**Plot**” means a parcel of land, or a niche in a memorial wall, in a cemetery.

“**Plot Lease Agreement**” is an agreement entered into between the Council and a person in charge of an interment that provides for an interment on the terms and conditions set out in the agreement.

“**Sexton**” means a person appointed by the Council to manage a cemetery, or a person authorised by a Sexton to carry out one or more of the Sexton’s powers, duties or functions.

2. INTERMENTS

- 2.1 Any person who causes or allows an interment to take place other than in accordance with this clause 2 breaches this Bylaw.
- 2.2 No interment may take place in a plot unless it is conducted in accordance with a Plot Lease Agreement.
- 2.3 Clause 2.1 does not apply to an interment carried out in accordance with an order signed by a Justice under section 49 of the Burial and Cremation Act 1964.

3. DIGGING THE GROUND IN A CEMETERY

- 3.1 No person other than the Sexton may dig or otherwise open the ground or open part of a memorial wall in a cemetery.

4. BACKFILLING PLOTS

- 4.1 A person in charge of an interment may apply to the Sexton for permission for persons to backfill ground in a plot following that interment.
- 4.2 A Sexton may grant written permission for the backfilling of ground in a plot following an interment, and impose any terms and conditions on the permission as he or she considers appropriate.
- 4.3 No person may backfill ground in a plot following an interment without the written permission of the Sexton.
- 4.4 Any person doing an activity under clause 4.3 must comply with any conditions imposed by the Sexton on his or her written permission.

5. INTERRUPTION OF INTERMENT

- 5.1** No person may obstruct, interfere with, interrupt or detract from the decent and solemn process of interment or the carrying out of any funeral service or ceremony.

6. DISINTERMENTS

- 6.1** Any person who causes or allows a disinterment to take place other than in accordance with this clause 6 breaches this Bylaw.
- 6.2** No disinterment may take place unless it occurs in accordance with the terms and conditions set out in the written permission for the disinterment, obtained by the person in charge of the disinterment, from the Sexton of the cemetery in which the plot is situated.
- 6.3** A Sexton may grant written permission for a disinterment to the person who will be in charge of the disinterment, and impose any terms and conditions on the permission as he or she considers appropriate.

7. RESTORATION OF PLOT AND MONUMENT

- 7.1** A person in charge of an interment or disinterment must restore the plot and any monument to at least the same condition it was in immediately prior to the interment or disinterment.

8. PLANTS

- 8.1** No person may plant a tree, shrub, flower or other plant in a cemetery without the Council's written permission.
- 8.2** Any person doing an activity under clause 8.1 must comply with any conditions imposed by the Council on its written permission.

9. DAMAGE TO CEMETERY

- 9.1** No person may damage:
- a. a tree, shrub, flower, or other plant, or any garden or lawn in a cemetery; or
 - b. a plot, monument, grave decoration, or any other thing lawfully placed or erected on a plot.

10. RULES

- 10.1** Council may, from time to time, make rules in relation to the following matters, in order to better administer and manage cemeteries:

- a. Timing of interments;
- b. Record keeping;
- c. Restrictions on the decoration of plots and erection of headstones;
- d. Maintenance standards for plots, including protocols for removal of loose, broken, offensive or dangerous decorations;
- e. Protocols for contacting family/whanau regarding issues with plots;
- f. Protocols in relation to whom Council will deal with over the use of a plot, including consent to additional interments in a plot, or in case of disputes.

10.2 A breach of any obligation or restriction imposed by rules made under clause 10.1 is deemed a breach of this bylaw.

10.3 Rules made under this clause come into effect when notified on Council's website following adoption of the rules by Council resolution. Any amendments to rules made under this clause will come into effect on the date specified in such amendment, or the date of publication of the amendment on Council's website, whichever is the later.

10.4 Council must hold a current version of any rules for inspection by the public at the Council's Administration Building and by reference in any Plot Lease Agreement. A copy of the current version of such rules must also be published on Council's website.