

CHRISTCHURCH CITY COUNCIL CEMETERIES BYLAW 2013

Pursuant to section 16 of the Burial and Cremation Act 1964, and section 146 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

1. SHORT TITLE AND COMMENCEMENT

This bylaw is the Christchurch City Council Cemeteries Bylaw 2013, and comes into force on 1 July 2013.

2. OBJECT OF THE BYLAW

- (1) The purpose of this bylaw is to provide for the management of the Council's cemeteries by allowing certain activities and conduct to take place in cemeteries subject to compliance with any conditions the Council adopts for its cemeteries.
- (2) This bylaw does not apply to any other cemetery, crematorium, burial ground or urupa that is under the control of another organisation.

3. INTERPRETATION

In this Bylaw, unless the context requires otherwise:

'ACT'	means the Burial and Cremation Act 1964.
'BURIAL OR INTERMENT'	means the burial or depositing of a human body, or a container of ashes resulting from the cremation of a human body, underneath the earth, or in a vault.
'CEMETERIES HANDBOOK'	means the document adopted by Council that sets out the conditions applying to activities and conduct in cemeteries.
'CEMETERY'	includes any cemetery owned and/or administered by the Council, and includes a closed cemetery.
'COUNCIL'	means the Christchurch City Council.
'DISINTERMENT'	means the removal of a human body, or a container of ashes, from the earth, or any vault.
'MONUMENT'	includes any headstone, plaque, panel, memorial or concrete kerbing.
'ECO BURIAL'	means a burial that has a low environmental impact, including that the body has not been treated with chemicals or oils that will prevent or slow down the decay of the body by bacteria (such burials may also be known as 'green' or 'natural' burials).
'VAULT'	means a structure approved by the Council for the deposit of specially sealed coffins containing a human body, or containers of ashes resulting from the cremation of a human body.

4. ACTIVITIES AND CONDUCT IN CEMETERIES

- (1) The following activities may take place in cemeteries, or in relation to cemeteries, provided the activity is carried out in accordance with the Act and any conditions adopted by the Council in the Cemeteries Handbook, and subject to the payment of any fees that may apply:
 - (a) interments and disinterments;
 - (b) the installation and maintenance of headstones, plaques, vaults, monuments, fences, trees and shrubs and other things on graves and in cemeteries;
 - (c) working in a cemetery;
 - (d) the purchase of burial plots (including exclusive rights of burial).
- (2) Persons in cemeteries must conduct themselves in accordance with the Act and any standards for behaviour set out in the Cemeteries Handbook adopted by the Council.
- (3) Any person who carries out an activity, or behaves in a manner, that does not comply with conditions set out in the Cemeteries Handbook adopted under clause 5 of this Bylaw, breaches this Bylaw.
- (4) For the avoidance of doubt, the Council, including its employees or agents, may carry out any activity in a cemetery in accordance with the Act, whether or not the activity is provided for in the Cemeteries Handbook.

5. CEMETERIES HANDBOOK

- (1) The Council may from time to time adopt by resolution, and may also amend by resolution, a Cemeteries Handbook that set out rules and conditions, relating to activities and behaviour in cemeteries or otherwise relating to cemeteries, about, but not limited to, the following matters:
 - (a) the location and availability of burial and ashes plots, and the purchase of exclusive rights of burial plots;
 - (b) the manner of burial, including the depth, preparation and testing of graves, size of caskets, and other conditions relating to Eco burials, and other types of burial;
 - (c) requirements for notification to the Council of burials and burial bookings;
 - (d) hours of access to cemeteries, when funerals can be held, and when maintenance and other work is allowed in cemeteries;
 - (e) the burial of poor persons, still born children and operational service personnel and their partners;
 - (f) the health and safety of persons visiting and working in cemeteries;
 - (g) requirements for disinterments;
 - (h) requirements concerning headstones, plaques, vaults, monuments, fences, signs, trees and shrubs, and other things that may be installed in, or kept on graves in, cemeteries, including what things are not allowed;
 - (i) the type of maintenance and other work that can be carried out in cemeteries, and who can carry out any maintenance or other work;

- (j) standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries;
- (k) special conditions related to particular cemeteries or types of cemeteries; and
- (l) stating the forms that must be used by any person to apply to the Council or advise the Council in relation to any cemeteries matter.

[Explanatory note: The following note is explanatory and is not part of the bylaw:

The Council has various forms available in relation to cemeteries administration. It also has other helpful information available to persons using cemeteries, or carrying out genealogical research. The forms and other helpful information may be included in the Cemeteries Handbook, or it may be in other Council documents or on the Council's website: www.ccc.govt.nz.]

6. FEES

The Council may from time to time, and in accordance with the Local Government Act 2002, prescribe the fees and charges payable in relation to cemeteries.

[Explanatory note: The following note is explanatory and is not part of the bylaw:

Fees relevant to cemeteries are set out in the Council's Fees and Charges Schedule, which is available on the Council's website: www.ccc.govt.nz]

7. OFFENCE AND PENALTY

Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

8. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

9. REVOCATIONS

The following bylaws are revoked:

- (a) Christchurch City Bylaw No. 110 (1980) Cemeteries
- (b) Waimairi District Bylaw No.1 (1983) Cemeteries
- (c) Banks Peninsula District Council Cemeteries Bylaw 1996

The initial resolution to make this bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 6 December 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 June 2013.