

5.3 CEMETERIES AND CREMATORIUM POLICY

Date Adopted	Next Review	Officer Responsible
August 2013	February 2016	Manager, Sports Recreation & Environment

Policy Purpose:

The purpose of this policy is to give guidance in the management and operation of Council cemeteries and crematorium to allow Council to carry out its obligation in terms of the Burial and Cremations Act 1964 for the disposal of deceased persons.

Scope of Policy:

This policy covers the following cemeteries Rotorua Cemetery (Sala Street), Ngakuru Cemetery, Reporoa Cemetery and Mamaku Cemetery. Once operational this policy shall also apply to the new cemetery at Tarukenga.

This policy does not apply to privately owned cemeteries or Urupa.

This policy does not affect the operation of any regulation under the Health Act 1956, or the Burial and Cremations Act 1964 or any other relevant statute or regulation.

Kauae Cemetery is managed by a Trust and this policy shall only apply to that cemetery if it is formally adopted by the Kauae Cemetery Trust.

Glossary:

Ashes: means the cremated remains of a dead human being.

Authorised Person: means a person to whom a burial warrant has been issued and has provided evidence of authority to manage and or control a burial.

Body: means a dead human being, or human remains, or cremated remains of such.

Burial: means to bury or inter the ashes of, a dead body.

Burial Plot: means an area of a cemetery to which a "Right of Burial" shall apply.

Burial Warrant: Is a an application for a burial setting out the deceased details, next of kin details, grave number and size of grave and if applicable the holder of exclusive rights to the plot and burial.

Cemetery: means any land that is set apart by any Act before the commencement of the Burial and Cremation Act 1964 or under said Act for the purpose of burying the dead. The land is under the control of or administered by the Council. This excludes identified Urupa.

Council: means the Rotorua District Council

Drop off service: this is a service available where a full chapel hireage is not required. The casket is deposited within the chapel and those mourners who followed the hearse are permitted to say their last farewells.

Express Permission: In terms of this policy and section 18.9.3 Unveiling Ceremonies, the term “express permission” shall mean that permission has been granted by a Council representative and that the ceremony has been booked so as to avoid possible conflicts of services.

Indemnity Form: means a certificate that is issued by the Council, upon acceptance of all fees, charges and conditions by those responsible for the management or control of a burial, granting permission to inter a body within a cemetery which is controlled / administered by Council.

Lawn Cemetery: means a cemetery that is developed in such a way as to present a park like appearance with concrete berms.

Right of Burial: means a burial plot that has been purchased for the purposes of interring a body. This does not constitute a purchase of the “real estate”. In the case of a reservation of a plot or plots then section 10 (4) of the Burial and Cremations Act 1964 shall apply.

Unveiling Ceremony: means a ceremony to celebrate a memorial to a person.

Monument: means any structure, plaque, headstone, masonry, casting or item placed on the berm section of a “Burial Plot”.

Service Person: means a person who has been a member of Her Majesty’s Forces pursuant to Section 15 (a)(i) of the Burial and Cremations Act 1964.

Service Cemetery: means any land or part of an existing cemetery that has been set aside for the purpose of burial of person who have been on operational service in Her Majesty’s Forces and the husband, wife, civil union partner of a person who has been on operational service in Her Majesty’s Forces pursuant to Section 15 of the Burial and Cremations Act 1964.

The Act: in terms of this policy shall mean the Burial and Cremations Act 1964.

Urupa: means a Maori burial ground or cemetery.

5.3.1 Burial and Right of Burial

Policy:

Purchase of “Right to Burial”

The following shall apply to the purchase of a “Right to Burial” authorisation:

- All prescribed forms must be completed and submitted to Council no later than twenty four hours before the date of the intended burial.
- Upon receipt of the prescribed forms Council will determine the location of the burial based on the cemetery plan.
- Any pre-purchase of the “Right to Burial” shall be limited to a total of four burial plots.
- An authorised person shall ensure that all fees for burial and the purchase of a “Right to Burial” are paid within one month of the burial or in the case a pre purchase that all outstanding fees are paid within one month of the signing of an indemnity form.
- No more than two interments of deceased persons are permitted for each adult “Right to Burial” purchased unless the burial plot is purchased for the express purpose of interring ashes.
- The number of interments permitted per burial plot maybe varied in writing by the Manager: Parks and Recreation.

Transfer of “Right to Burial”

A “Right to Burial” can be transferred only with the permission of Council and upon payment of all and any outstanding fees owed to Council. Proof of ownership and authority to transfer the “Right to Burial” will need to be provided to Council. A fee will be charged for the updating of Council records.

“Right to Burial” can only be surrendered to Council. Council will reimburse the holder or the holder’s estate the original purchase amount upon the production of proof of purchase and confirmation of transferred ownership.

Lapse of “Right to Burial”

The period for which a “Right to Burial” can remain unused is sixty years (Section 10 (4) of the Burial and Cremations Act 1964). At the end of this period the “Right of Burial” shall be deemed to have lapsed and Council reserves the right, with the proper consultation, agreement and reparation, to resale the “Right to Burial”.

5.3.2 Times of Burials, Reservations, Chapel Services

Policy:

Burial, cremation and chapel services will be provided between the following hours:

Monday to Friday 8:00am to 4:00pm*
 Saturdays and Sunday 10:00am to 3:00pm
 Statutory Holidays By arrangement

Services required outside of the hours specified for Monday to Friday and at any other time including Statutory Holidays or within the minimum notification period shall be charged at an increased rate to cover extra costs incurred.

* For the chapel drop of service the hours shall be Monday to Friday 8:00am to 4:00 pm. The hours for Saturday, Sunday and public holidays shall be as per the times listed above. An after-hours service will be provided by arrangement with an appropriate fee. Each drop off period shall last no longer than fifteen minutes.

Reservation for burial, cremation and chapel services are to be made giving the minimum notice of eight business hours prior to the service.

Normal business hours (Monday to Friday) 8:00am to 4:30pm

A twenty four hour, seven day-a-week reservation service for all burials, cremation and chapel services will be provided. Reservations are made:

- During normal business hours – via phone, direct to the Cemetery/ Crematorium Officer or if phone unattended via the automated paging system.
- Outside of normal business hours – via phone to the Council after hour's answering service.

For reservations made during normal business hours verification of notice of unavailability will be given within two hours. For reservations made outside of normal business hour's verification of notice of unavailability will be given:

- During the normal working week – by 8:00pm or at the commencement of normal working hours, whichever comes first.
- Weekends and Statutory Holidays – at an appropriate time to meet newspaper deadlines or at the commencement of normal business hours, whichever comes first.

The minimum allowable timeframe between services conducted in the same area by differing Funeral Directors be:

- In the chapel – two hours
- Burials within ten rows or twenty plots of each other - 1½ hours

5.3.3 Unveiling Ceremonies

Policy:

All unveiling ceremonies shall take place only with the express permission of the Council and shall only occur during daylight hours.

Should there be other ceremonies occurring at the same time as the proposed unveiling ceremony Council reserves the right to request that an alternative time be used.

There shall be no additional charges incurred for an unveiling ceremony.

5.3.4 Grave Digging and Disinterments

Policy:

At the time of the purchase of a "Right to Burial" the authorised person shall indicate whether the plot is being purchased for one or two persons. Where the plot is indicated for one person then the depth shall be approximately 1,450mm, where the plot is indicated for two people then the depth of the first interment shall be approximately 1,830mm.

Council records will record the burial as either a single or double depth and in the instance that the burial plot is purchased for a single burial and once completed that the plot is closed to further interment of remains. Ash interment's maybe carried out as per section 18.9.6 Ash Interments.

In all instances of burial there should remain a total cover of approximately 1,200mm above the final buried coffin and the existing ground level.

At all times during digging and filling, Council has the responsibility for the public's health and safety within the cemetery. For this reason a Council representative shall be on site for any permitted family excavation and filling of graves.

Should a disinterment be required for any reason then this can only be completed with the express authorisation of the Minister of Health and payment of all fees prior to disinterment taking place. Section 51 and 55 of the Burial and Cremations Act 1964 shall apply for all disinterments. Assurance needs to be given to Council that the disinterred body will be reinterred in a registered cemetery or urupa.

5.3.5 Memorials, Monuments and Headstones

Policy:

The following shall apply to the erection, placement of Memorials, Monuments and headstones:

- A permit is required from Council for the placement of any Memorial, Monument and Headstone, Gravestone or any other structure prior to it being placed
- Information to be supplied to Council with the application shall be but not limited to dimensions, material, any inscriptions and other adornments proposed
- Information on what is permitted shall be contained within the Cemeteries, Crematorium Procedures and Operations Manual and will be reviewed periodically.
- Floral and other tributes (except immediately following burial) will be restricted to what can be reasonably placed on the concrete berm. Council reserves the right to remove any memorials which are broken, neglected or not on the concrete berm.
- Ownership and maintenance of any memorial, monument or headstone is deemed to remain with the authorised person or their heirs/successors. The Council accepts no responsibility for repairs which arise from vandalism, or wilful damage to headstones.
- No plot shall be enclosed with any railing, kerbing or covered structure
- Cost for the processing of the Memorial Permits is included in the plot purchase amount.
- That Memorials, Monuments and Headstones which are installed without a permit are subject to removal until such a time as permission is obtained.

5.3.6 Ash Interments

Policy:

Ash interments can only take place in dedicated areas or in burial plots for which a "Right to Burial" has been purchased. Where the interment of ashes is within a "Right to Burial" then the written permission of the authorised person or their heir/successors is required before interment can take place.

5.3.7 Records

Policy:

Council shall maintain a record of all interments that are conducted in those cemeteries for which Council has management responsibilities. Access to the records can be either through the Councils website or by a written request to Council.

5.3.8 Conduct within Cemeteries

Policy:

All users / visitors to the cemetery are required to conduct themselves in an appropriate manner as befits a cemetery. The following activities are prohibited within any cemetery managed by Council:

- Damaging, defacing or otherwise interfering with any memorials, monuments, headstones
- Disturbing or removal of a body without the express written permission of the Council and the Department of Health
- Taking part in any gathering that is not for the purposes of a religious ceremony or memorial service for burial, cremation or unveiling ceremony
- The planting of any tree or shrub within the cemetery grounds without the express written permission of Council
- Camping or overnight stays will not be permitted in any cemetery
- Any drunken or disorderly conduct will not be permitted
- The soliciting, advertising and/or sale of any article, material or item shall be prohibited within any cemetery.

Dogs are permitted within a cemetery for the express purpose of visiting a grave, attending a burial, memorial service and must be upon a leash at all times. Any dog faeces must be removed by the person controlling the dog.

5.3.9 Her Majesty's Service Personnel

Policy:

Council shall maintain areas for the specific interment of Her Majesty's Service Personnel. This is located at the Rotorua Cemetery (Sala Street).

No burial is to take place within this area without the express written permission of the Veterans' Affairs New Zealand which can be obtained through the Returned Services Association and the obtaining of a "Right to Burial" from Council.

All memorials, monuments, gravestones shall be as described for a flat lawn area and purchased through the Veterans' Affairs New Zealand.

5.3.10 Crematorium

Policy:

Council shall operate and maintain a crematorium at the Rotorua Cemetery (Sala Street).

All proscribed forms must be completed and accepted by Council prior to any cremation taking place. All forms must be completed by a person who has provided evidence of authority to manage and or control a burial or cremation.

5.3.11 Fees and Charges

Policy:

Council shall set fees and charges to recover the cost of operating, maintaining and developing the cemetery. These fees and charges shall be reviewed annually and amended as needed. Fees and charges are detailed in the Parks and Recreation Fees and Charges Schedule.

Council also retains the right to charge additional fees for services outside normal business hours as per clause 18.9.2 of this policy.

In the event that a burial, memorial service or cremation is cancelled within four business hours of the scheduled time to occur then Council shall charge a cancellation fee attributable to ten percent of the original amount.

5.3.12 Burial and Cremation of Poor Persons

Policy:

The Council shall provide free of charge a cremation service for any poor person. This service will only be offered upon the production of a signed order by a Justice of the Peace stating that they have satisfied themselves that the deceased person has not left sufficient means to pay the charge, and that their relatives and friends are unable to pay the same (Section 49 of the Burial and Cremations Act 1964).

RELEVANT/RELATED LEGISLATION/BYLAWS AND POLICES

Burial and Cremations Act 1964 – This act covers the management, establishment and regulation of cemeteries within New Zealand.

Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 – This regulation governs the process required to be followed in the removal of any Memorial, Monument or Gravestone from a cemetery.

Civil Defence and Emergency Management Act 2002 – The purpose of this act as it relates to this policy is to provide for the planning and preparation from emergencies and for response and recovery in the event of an emergency.

Cremation Regulations 1973 – This regulation sets out the requirements and controls around the act of cremation and disposal of ashes.

Health (Burial) Regulations 1946 – This regulation sets out the procedures for the handling of deceased persons and the registration of funeral directors.

Local Government Act 2002 – The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities.

Resource Management Act 1991 – The purpose of this Act is to promote the sustainable management of natural and physical resources.

Rotorua District Council General Bylaw 2011 – NZS 9201: Part 14:1999 – Cemeteries and Crematoria – This bylaw sets out the general terms that the Council operates all of its cemeteries and crematorium under.