



# Matamata-Piako District Council

## Ture ā-Rohe mō ngā Urupā 2025 | Cemeteries Bylaw 2025

**Adopted by Council 7 May 2025**

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## **Part 1 Kupu Whakataki Introduction**

### **1. Purpose**

1.1 The purpose of this *Bylaw* is to:

- a) enable the *Council* to facilitate the safe, orderly, and efficient management of *Cemeteries* under the ownership or control of the *Council*, and;
- b) minimise the potential for offensive behaviour in *Cemeteries* under the ownership or control of the *Council*.

### **2. Title and commencement**

2.1 This *Bylaw* shall be known as the 'Matamata-Piako District Council Cemeteries Bylaw 2025'.

2.2 This *Bylaw* comes into force on 1 July 2025.

### **3. Review**

3.1 This *Bylaw* is a full statutory review of the previous Public Amenities Bylaw 2014. The Public Amenities Bylaw 2014 was largely focussed on *Cemeteries* therefore, it has been renamed Cemeteries Bylaw 2025. The majority of clauses in the Public Amenities Bylaw 2014 that related to amenities other than *Cemeteries* were already covered in other *Bylaws*.

### **4. Application**

4.1 This *Bylaw* applies to all *Cemeteries* within Matamata-Piako District Council's ownership or control.

4.2 This *Bylaw* does not apply to urupā (in line with the Burial and Cremation Act 1964) or any other *Cemetery*, crematorium or *Burial* ground that is not owned or controlled by the *Council*.

### **5. Enabling enactments**

5.1 This *Bylaw* is made pursuant and subject to the Local Government Act 2002, the Burial and Cremation Act 1964, and the Reserves Act 1977.

5.2 Nothing in this *Bylaw* detracts from any provision of, or the necessity for, compliance with all applicable Acts, regulations, *Bylaws*, and the Matamata-Piako *District Plan*, including but not limited to:

- a) Local Government Act 2002; and
- b) Burial and Cremation Act 1964; and
- c) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967; and
- d) Health (Burial) Regulations 1946; and
- e) Cremation Regulations 1973.

## 6. Delegation

- 6.1 Any of the powers and functions of the *Council* as detailed and set out in this *Bylaw*, may be delegated by it, to its *Chief Executive* and sub-delegated by the *Chief Executive* to any such other *Authorised Officer*.

## 7. Explanatory notes

- 7.1 Sections headed 'Explanatory notes' in this *Bylaw* are for information purposes only, and:
- a) they do not form part of this *Bylaw*; and
  - b) cannot be considered in the interpretation or application of a provision of this *Bylaw*; and
  - c) may be inserted, amended or removed without any formality.

## 8. Definitions

- 8.1 For the purposes of this *Bylaw* the following definitions shall apply:

| Term                        | Definition   |
|-----------------------------|--|
| <i>Agent</i>                | means a <i>Person</i> or business authorised to act on another's behalf.   |
| <i>Animal</i>               | means any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate and includes the carcass of constituent parts but does not include dogs and human beings.  |
| <i>Approved or Approval</i> | means <i>Approved</i> in writing by resolution of the <i>Council</i> or by any <i>Authorised Officer</i> so authorised on behalf of the <i>Council</i> , pursuant to this <i>Bylaw</i> or any <i>Enactment</i> .   |
| <i>Ashes</i>                | means the cremated remains of a deceased <i>Person</i> .   |
| <i>Authorised Officer</i>   | means: <ul style="list-style-type: none"><li>a) any <i>Person</i> appointed or authorised by the <i>Council</i> to carry out duties and exercise powers under this <i>Bylaw</i>; and</li><li>b) any <i>Person</i> appointed by the <i>Council</i> to enforce the provisions of any <i>Council Bylaw</i> and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.</li></ul> |
| <i>Berm</i>                 | means a concrete strip that marks <i>Plot</i> row and number and in which a <i>Monument</i> is placed.   |
| <i>Burial</i>               | means <i>Interment</i> of a deceased human body, or cremated human remains.  |
| <i>Bylaw or Bylaws</i>      | means the Matamata-Piako District Council Cemeteries Bylaw 2025 or in the context of more general terms refers to a <i>Bylaw</i> adopted by the Council, made under the provisions of any <i>Enactment</i> or authority enabling the <i>Council</i> to make <i>Bylaws</i> .  |

| Term                                | Definition   |
|-------------------------------------|--|
| <i>Cemetery or Cemeteries</i>       | means all <i>Cemeteries</i> of which the Matamata-Piako District Council has the control or management of under the Burial and Cremation Act 1964.   |
| <i>Chief Executive</i>              | means the <i>Chief Executive</i> appointed pursuant to section 42 of the Local Government Act 2002.  |
| <i>Council</i>                      | means the governing body of the Matamata-Piako District Council or any <i>Person</i> delegated to act on its behalf.   |
| <i>Disinterment</i>                 | means the removal of a deceased human body or the removal of cremated human remains.   |
| <i>District</i>                     | means the <i>District</i> within the jurisdiction and under the control of the Matamata-Piako District Council.  |
| <i>District Plan</i>                | means the Matamata-Piako District Council <i>District Plan</i> .   |
| <i>Enactment</i>                    | means the same as in section 13 of the Legislation Act 2019.   |
| <i>Emergency Vehicle</i>            | means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.  |
| <i>Exclusive Right of Burial</i>    | means purchase of a <i>Burial Plot</i> for the right to the owner to <i>Inter</i> human remains in a <i>Burial</i> space but does not constitute ownership of the land.  |
| <i>Footpath</i>                     | means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.  |
| <i>Grave</i>                        | means the area where the body of a deceased <i>Person</i> is, or their <i>Ashes</i> are <i>Interred</i> .  |
| <i>Inter, Interred or Interment</i> | means the <i>Burial</i> of a deceased human body in a <i>Grave Plot</i> or the <i>Burial</i> of cremated human remains in a cremation or <i>Grave Plot</i> .   |
| <i>Monument</i>                     | includes any tombstone, headstone, memorial, <i>Tablet</i> , plaque, kerbing, or other memorial to a deceased <i>Person</i> .  |
| <i>Nuisance</i>                     | has the meaning as in the Health Act 1956, and includes anything offensive or likely to be injurious to health.  |
| <i>Offence</i>                      | includes any act or omission in relation to any <i>Bylaw</i> or any part for which any <i>Person</i> can be punished either on indictment or by summary process.   |
| <i>Ornament</i>                     | means any object which is not structurally part of a <i>Monument</i> or concrete <i>Berm</i> provided. This includes, but is not limited to: a flower, wreath, pottery, vase, figurine, decoration, art, memorabilia, tribute and adornment. |
| <i>Parking</i>                      | has the same meaning as in section 2(1) of the Land Transport Act 1998.  |
| <i>Person</i>                       | includes a corporation sole and a body of <i>Persons</i> , whether corporate or unincorporated.  |
| <i>Plot</i>                         | means a numbered lot in a <i>Cemetery</i> including an <i>Ashes</i> wall, where a <i>Burial</i> or <i>Interment</i> can occur.   |
| <i>Public Place</i>                 | means the same as in section 147 of the Local Government Act 2002.   |
| <i>Tablet</i>                       | includes a plaque.   |
| <i>Vehicle</i>                      | means the same as in section 2(1) of the Land Transport Act 1998.  |
| <i>Working day</i>                  | means the same as in section 5(1) of the Local Government Act 2002.  |
| <i>Working hours</i>                | means the hours specified by the <i>Council</i> during any <i>working day</i> when its offices shall be open to the public.  |

## Part 2 Ngā Ture mō te Urupā | Cemetery Rules

### 9. Burials

- 9.1 Before a *Burial* may take place, an application for *Interment* must be lodged with the *Council*.

#### Explanatory notes:

An application for *Interment* may be made to the *Council* using the specified form.

- 9.2 No *Burial* shall be made in any *Cemetery* without a *Burial* warrant for that purpose, obtained by the Funeral Director or *Person* having the management or control of the *Burial* from the *Council* and presented to an *Authorised Officer* as authority for *Burial*.
- 9.3 The application for a *Burial* warrant shall be received by the *Council* at least nine *Working hours* prior to the *Burial*. Where a funeral is to be held on a weekend or public holiday, an application for a *Burial* warrant shall be delivered to the *Council* no later than 12 *Working hours* preceding the date of the intended *Burial*. Any exceptions to this must be *Approved* by the *Authorised Officer*.
- 9.4 *Burials* shall take place in such *Plots* as the *Council* shall determine.
- 9.5 *Burial* times will be subject to the *Council's Approval*.
- 9.6 Funeral services must be held more than two hours apart unless *Approved* by an *Authorised Officer*.

#### Explanatory notes:

The *Council* acknowledges Māori cultural values, as well as accommodating diverse cultural practices and traditions wherever feasible and appropriate.

### 10. Purchase of exclusive right of burial

- 10.1 *Burial Plots* sold by the *Council* are subject to terms and conditions set by the *Council*. The *Exclusive Right of Burial* is granted for a period determined by the *Council*, with a minimum term of 60 years, as required by the Burial and Cremation Act 1964.
- 10.2 When reserving a *Plot* in advance, the *Exclusive Right of Burial* shall be granted to the purchaser of a *Plot* once the *Council* has received payment of the prescribed fees.
- 10.3 Where *Council* requirements for the granting of the *Exclusive Right of Burial* have been met, it shall issue a *Plot* Reservation Certificate to the applicant.

#### Explanatory notes:

*Burial Plots* can be purchased either in advance or at the time of *Burial*. Pre-purchasing a *Plot* provides an *Exclusive Right of Burial* in a specific location. Individuals may purchase up to two *Plots* at a time, subject to availability.



## 11. Plots and graves

- 11.1 No *Person* other than an *Authorised Officer* or their assistants or any other *Person* duly authorised by the *Council* shall dig any *Grave* in, or open the ground for *Burial* in, any part of any *Cemetery*.
- 11.2 No *Person*, other than an *Authorised Officer* or their assistants or any other *Person* duly *Authorised* by the *Authorised Officer* shall fill in any *Grave*.
- 11.3 The minimum depth of cover for any *Burial* shall not be less than 1 metre.
- 11.4 *Disinterment* of a body must be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964.

### Explanatory notes:

The *Council* will collaborate with Funeral Directors to honour families' wishes, including providing natural *Burial* options where feasible and appropriate.

## 12. Ashes

- 12.1 Upon application and payment of the prescribed fees, the receptacle or 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* having been first had and or purchased.
- 12.2 The minimum depth of cover for any receptacle or urn containing the *Ashes* of any deceased *Person* shall not be less than 400 millimetres.
- 12.3 The scattering of *Ashes* shall only be allowed in designated areas as determined by the *Council*.

### Explanatory notes:

Currently, the scattering of *Ashes* is not permitted in our *Cemeteries*. As *Cemeteries* are designated as reserves under the Reserves Act 1977, the General Policies Reserve Management Plan applies, which includes guidelines on the scattering of *Ashes* and the *Burial* of remains such as placenta.

### Explanatory notes:

The *Council* may also provide spaces for memorials. This allows families to create a place to remember loved ones when there may be no *Ashes* or remains to *Inter*.

## 13. Services

- 13.1 The hours of operation for all *Cemeteries* within the *District* are set out in *Council's* Code of Practice for *Cemeteries*.
- 13.2 Funeral Directors are to stay on site for the duration of a funeral.

## 14. Publicly Funded Interments

- 14.1 Where an application is made to the *Council* for the *Interment* of a deceased *Person* whose *Burial* is unable to be privately funded due to a lack of means, the applicant shall provide an order signed by a Justice of the Peace, certifying that:
- a) such deceased *Person* has not left sufficient means to pay the prescribed fee; and
  - b) the cost of *Burial* is not covered by an Accident Compensation or Government entitlement or subsidy; and
  - c) the deceased *Person's* relatives and friends are unable or unwilling to pay the same.

### Explanatory notes:

The term “poor person” is used in section 49 of the Burial and Cremation Act 1964. In this *Bylaw*, we’ve used more modern and respectful wording to describe the same situation.

## 15. Installation and maintenance of monuments

- 15.1 No *Monument* shall be erected in any *Cemetery* unless the *Exclusive Right of Burial* has been granted and all the prescribed fees relating to the *Burial* have been paid in full.
- 15.2 No *Monument* shall be erected in any *Cemetery* unless prior *Approval* from the *Council* of an application for installation has been received.
- 15.3 Any *Monument* shall comply with the requirements of the *Council*.
- 15.4 The installation or repairs of any *Monument* or concrete base shall be carried out by an *Approved* monumental mason and to the satisfaction of the *Council*.
- 15.5 All *Monuments* shall be installed to the New Zealand Standard for Headstones and Cemetery Monuments NZS 4242:2018 and kept in good order or repair by the purchaser of the *Plot* or their *Agent*.
- 15.6 Any *Person* or group other than the purchaser of the *Plot* or their *Agent* who wishes to carry out maintenance on any *Monument* in any *Cemetery*, must obtain prior *Approval* from the *Council* and the purchaser of the *Plot*, or their *Agent*.
- 15.7 The *Council* may carry out regular audits of *Monuments* to ensure their safety.
- 15.8 Any *Tablet* in any lawn *Cemetery* must consist of permanent material, be of an *Approved* size, and set in an appropriate position with all the inscriptions in relation to the *Persons* buried in each *Plot* to be on the one *Tablet*.
- 15.9 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the *Council* may remove any installation of any kind that shall fall into a state of disrepair. A photographic record shall be taken prior to removal and retained in *Cemetery* records.
- 15.10 No *Person* shall remove any *Monument* from any *Cemetery* or *Grave* without the prior *Approval* of the *Council*.



### Explanatory notes:

The Department of Internal Affairs (DIA) contract maintenance of Returned Service Association *Monuments*, flag poles, and *Berms* etc. and these are inspected on a bi-annual basis. *Council* advise DIA of any concerns between inspections.

## 16. Maintenance of war graves

- 16.1 Official war *Graves* maintained by Manatū Taonga Ministry for Culture and Heritage must not be included in volunteer maintenance activities, such as working bees. These *Graves* are subject to specialist maintenance to ensure their preservation and to prevent unintentional damage.
- 16.2 Only poppies authorised by the Returned Service Association may be placed on official war *Graves*. Ceramic poppies, or any items affixed using adhesives, are not permitted due to the risk of damage and staining to the headstones.

### Explanatory notes:

Official war *Graves* are cared for by Manatū Taonga Ministry for Culture and Heritage and maintained to a specialist standard. While community efforts to care for *Cemeteries* are valued, experience has shown that well-meaning volunteer maintenance can sometimes result in damage to these *Graves*. Similarly, ceramic poppies or items fixed with adhesives can stain or deteriorate *Monuments*. These clauses are intended to ensure war *Graves* are protected and preserved with dignity and care.

## 17. Memorials, adornments and ornaments

- 17.1 Memorials, adornments and *Ornaments* may be placed on the concrete *Berm*, provided they are respectful, safe, and do not prevent maintenance of the *Cemetery*.
- 17.2 Breakable jars, vases or receptacles shall not be used as flower containers.
- 17.3 *Council* reserves the right to approve or decline the construction or installation of any large or permanent adornments, structures or features on *Graves* or elsewhere in any part of any *Cemetery*.
- 17.4 An *Authorised Officer* may remove any item that poses a safety risk, interferes with maintenance, or otherwise affects the amenity of the *Cemetery*.
- 17.5 No *Person* shall, without the prior *Approval* of the *Council*, remove, or take from any *Cemetery* or *Grave*, any *Monument*, *Tablet*, vase, wreath, plant, flower or any other object, except where the *Council* may have cause to remove any neglected or broken material of this nature.
- 17.6 The holder of an *Exclusive Right of Burial* shall ensure that:
  - a) memorials, adornments and *Ornaments* placed are well-maintained and secure; and
  - b) memorials, adornments and *Ornaments* do not inhibit regular maintenance of any *Cemetery*; and

- c) kerbs and enclosures are kept in good order.

### **Explanatory notes:**

Families are welcome to place memorials, adornments and *Ornaments* on the concrete *Berm* as a way to honour loved ones. These rules are in place to help keep *Cemeteries* safe and well maintained for all visitors, without placing excessive restrictions or burdens on families.

## **18. Safety and work practices**

- 18.1 All *Persons*, whether *Council* employees or staff of Funeral Directors, shall take all necessary steps to ensure that any *Cemetery* is a safe site at all times, and particularly during any funeral or *Burial*.
- 18.2 All necessary warning signs, protective barriers and other protective means shall be put in place prior to the commencement of any funeral or *Burial*.
- 18.3 No *Person* installing or repairing any *Cemetery* memorial or carrying out other work in any *Cemetery* shall use any *Footpaths* or other part of the *Cemetery* for placing or depositing any tools, planks or materials for a longer time than is reasonably necessary to complete the work.
- 18.4 Any *Person* installing or attending to a *Monument* or *Tablet*, or carrying out any other work in any *Cemetery*, must withdraw for the duration of a nearby funeral service. Such *Person* must also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.
- 18.5 Any rubble and earth not required in the filling in of the *Grave*, or in connection with the levelling, shall immediately be removed either from the *Cemetery* or to a place within the *Cemetery* as *Approved* by an *Authorised Officer*.

## **19. Vegetation**

- 19.1 No tree or shrub shall be planted in any part of any *Cemetery* by any *Person* unless prior *Approval* from the *Council* is obtained.
- 19.2 Trees or shrubs planted in any portion or any *Cemetery* may at any time be trimmed, cut down or removed at the discretion of the *Council*.
- 19.3 No *Person* is to disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any *Cemetery* unless prior *Approval* from the *Council* is obtained.

## **20. Vehicles**

- 20.1 *Vehicles* may only access *Cemeteries* from:
- a) 7.00am to 8.30pm during the months of October to March (inclusive);
  - b) 8.00am to 5.00pm during the months of April to September (inclusive).
- 20.2 *Vehicles* may only be driven on access ways which are open to vehicular traffic, and parked only in designated *Parking* areas.

- 20.3 Every *Person* driving or in charge of any *Vehicle* in any *Cemetery* shall stop or move the *Vehicle* as directed by an *Authorised Officer*.
- 20.4 All *Vehicles* (other than hearses) shall yield unconditional right of way to any funeral procession.
- 20.5 Any *Person* driving a *Vehicle* in any *Cemetery* must obey all signs or notices concerning traffic movement and *Parking* displayed in that *Cemetery*.
- 20.6 No *Vehicle* is to be driven at a greater speed than indicated on any road within any *Cemetery* and in any other direction than indicated by traffic notices. In the absence of speed limit signs, no *Vehicle* may be driven at a speed greater than 20 kilometres per hour (km/hr) in any *Cemetery*. This clause does not apply to a *Vehicle* used at the time to save or protect life or health, or prevent injury or serious damage to property.
- 20.7 No *Person* may drive or park any *Vehicle* carelessly, negligently or dangerously in any *Cemetery* or without due consideration for *Persons* using the *Cemetery*.

**Explanatory notes:**

Reckless or dangerous driving within *Cemeteries* including that which results in damage to facilities, grounds, or infrastructure may lead to enforcement action. Offenders are liable for the costs of repairs and may face additional penalties under the relevant *Bylaws* and *Enactments*.

**21. Behaviour and nuisance**

- 21.1 No *Person* shall, in or near any part of any *Cemetery*, cause a *Nuisance* or annoyance to *Persons* who are lawfully in a *Cemetery*, or who are approaching a *Cemetery* for a lawful purpose.
- 21.2 No *Person* shall unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any *Cemetery*.
- 21.3 No *Person* shall take any photographs or moving images at a funeral without the consent of the Funeral Director or other *Person* responsible for the funeral.
- 21.4 No *Person* shall bring into or exhibit in any *Cemetery* any article that is a *Nuisance* or is offensive to any other *Person*.
- 21.5 No *Person* shall advertise or seek any orders from any other *Person* for any work related to a *Cemetery* or for the sale, preparation or supply of any article, material, or object to be set up, affixed, placed or used in any *Cemetery*.

**Explanatory notes:**

Visitors to *Cemeteries* are reminded to observe respectful behaviour at all times. This includes acting in a manner that honours the dignity of the space, respects the memories of those laid to rest, and supports the comfort and privacy of others.

**Explanatory notes:**

Other *Council Bylaws* also apply to *Cemeteries*. As *Cemeteries* are *Public Places*, the *Community Safety Bylaw* is also in effect. Additionally, freedom camping in *Cemeteries* is prohibited under the *Council's Freedom Camping Bylaw*.

**22. Animals (excluding dogs)**

- 22.1 *Animals* will only be allowed in *Cemeteries* with the prior *Approval* of the *Council*.
- 22.2 A *Person* in control of an *Animal* in any *Cemetery* shall ensure that the *Animal* is kept under proper control, with consideration for all other *Persons*.
- 22.3 A *Person* in control of an *Animal* in any *Cemetery* shall ensure that the *Animal* is kept under proper control to ensure that no damage is caused to the *Cemetery*, any part of it or to any object within it.
- 22.4 A *Person* in control of an *Animal* in any *Cemetery* shall immediately remove any faeces deposited by that *Animal* and dispose of accordingly in a sanitary manner.
- 22.5 No *Person* shall in a *Cemetery*, tether or otherwise put or place any *Animal* for the purpose of grazing without the prior *Approval* of the *Council*.
- 22.6 A *Person* in control of any *Animal* in any *Cemetery* must ensure it is kept in a manner that the *Animal* does not create nor is likely to create a *Nuisance* to any *Person*.

**Explanatory notes:**

See the *Council's Dog Control Bylaw* for the rules around bringing dogs into *Cemeteries*.

## Part 3 Te Whakahaere I te Ture ā-Rohe | Administration of Bylaw

### 23. Fees and charges

- 23.1 The *Council* may from time to time determine and recover fees in accordance with sections 150 and 151 of the Local Government Act 2002.

### 24. Enforcement

- 24.1 Where there is a breach of this *Bylaw*, the *Council* may take any of the enforcement action provided for in the Local Government Act 2002 and any other *Enactment* under which the *Council* has powers.

#### Explanatory notes:

*Bylaws* can be enforced by *Council* staff or external agencies such as the New Zealand Police.

We investigate *Bylaw* breaches that we see or that are reported to us. Where appropriate, we use a range of compliance methods to respond to *Bylaw* breaches in accordance with our Enforcement Policy. These include:

- Advice and education;
- Verbal and written warnings;
- Seizure of property and remedial action;
- Infringement notices (where this is provided for in legislation);
- Prosecution.

### 25. Offences

- 25.1 Any *Person* who breaches this *Bylaw* commits an *Offence*.
- 25.2 Any *Person* who breaches this *Bylaw* must immediately, upon the request of an *Authorised Officer*:
- a) cease an activity; and
  - b) leave the *Cemetery* concerned; and
  - c) remove any sign, structure, stall, equipment, tables and chairs, object or other work from any *Cemetery*.
- 25.3 Every *Person* who obstructs or hinders any *Authorised Officer* in the exercise of their powers under this *Bylaw* shall be liable to prosecution for an *Offence* against this *Bylaw*.

#### Explanatory notes:

The community may report a breach of this *Bylaw* to the *Council* for review and action.

## 26. Penalties

- 26.1 Every *Person* who fails to comply with this *Bylaw* commits an *Offence* and shall be subject to the penalty provisions outlined in the *Offences*, penalties, infringement and legal proceedings provisions of the Local Government Act 2002, the Burial and Cremation Act 1964, the Reserves Act 1977, and any other enabling *Enactments* and shall be subject to the penalties set out in section 242 of the Local Government Act 2002 and the enabling *Enactment*.

### Explanatory notes:

The *Council* has the authority to enforce this *Bylaw* under applicable legislation. Breaching this *Bylaw* constitutes an *Offence* and may result in a summary conviction with a fine not exceeding \$20,000 as specified in the Local Government Act 2002.

## 27. Exemptions

- 27.1 The prohibitions and restrictions contained in this *Bylaw* do not apply to:
- a) any *Authorised Officer* when engaged in the performance of their regular duties;
  - b) any *Emergency Vehicle* at the time of being engaged in urgent official emergency business;
  - c) any *Vehicle* being used for an event or activity with an *Approved* traffic management plan where operation of the *Vehicle* is compliant with that traffic management plan;
  - d) any *Vehicle* carrying out, or involved in the delivery of a public work where:
    - i. no other practicable alternatives to the activity are available;
    - ii. the *Vehicle* is being used with due consideration to the other road users;
    - iii. the activity is one that the *Council*, at its discretion, considers is reasonably necessary for the purposes of the public work.

This *Bylaw* was made pursuant to a resolution passed by Matamata-Piako District Council on 7 May 2025, resolution number CO/2025/00010.

## 28. Record of bylaw amendments

| Activity   | Date        |
|--|-------------|
| Public Amenities Bylaw review commenced  | 3 July 2024 |
| Public Amenities Bylaw renamed to Cemeteries Bylaw –reviewed and <i>Approved</i> by <i>Council</i> | 7 May 2025  |
| Next review required by  | 7 May 2035  |



### **Explanatory notes:**

The *Council* has determined a Code of Practice for the following *Cemeteries*:

Te Aroha Cemetery

Piako Lawn Cemetery (Morrinsville)

Maukoro Cemetery (Tahuna)

Matamata Cemetery

Morrinsville Cemetery

Waharoa Cemetery (this *Cemetery* is closed)

### Hours of Operation for all Cemeteries (for Burials)

Summer Period - October 1 to 31 March

10.00am to 4.00pm Monday to Friday

10.00am to 3.00pm Saturday

Rest of the Year – 1 April to 30 September

10.00am to 3.00pm Monday to Friday

10.00am to 3.00pm Saturday

*Interments* on Sundays and Statutory Holidays (excluding Anzac Day) are permitted between the hours of 10.00am and 1.00pm, providing the timing is negotiated and *Approved* by the *Authorised Officer*.

*Interments* on Anzac Day are permitted between 1.00pm and 3.00pm provided the timing is negotiated and *Approved* by the *Authorised Officer*.

Any hours requested outside of these times shall be at the discretion of the *Authorised Officer*.

The forms and procedures used for *Interments* are controlled under the *Council's* quality management system and when they are updated all previous issues of forms and procedures shall be destroyed.

## **Explanatory notes:**

### Application to Inter

An application to *Inter* in the form prescribed by the *Council* shall be filled out by the Funeral Director (preferably) and submitted to a *Council* office at least nine *Working hours* before the *Burial* is to take place. Where a funeral is to be held on a weekend or statutory holiday, notification shall be no later than 4.00pm, two *working days* prior.

*Working hours* for *Council* offices are defined as those hours between 8.00am to 4.30pm, Monday to Friday, exclusive of Public Holidays.

An *Authorised Officer* shall check all details, assign the *Plot* and confirm with the Funeral Director if any details need clarification.

Where the application is made by a Funeral Director, the Funeral Director shall be sent the account following normal sundry debtor procedures. Where a *Person* other than a Funeral Director makes an application, then payment shall be required at the time of the application.

Should an application be made on behalf of a *Person* with a lack of means as per section 49 of the Burial and Cremation Act 1964, then forms prescribed by the *Council* shall be completed and they shall form part of the application to *Inter* process.

Where information leads to the need to apply for deferment of fees after the *Interment* has been completed, the forms prescribed by the *Council* shall be completed no later than 20 *Working days* after committal.

### Warrant to inter

A Warrant to *Inter* in the form prescribed by the *Council* shall be completed using the details provided on the form, including the correct identification of *Cemetery*, *Plot* details, time of arrival at *Cemetery* and any variations in *Burial* details, e.g. in casket size, and be provided to the *Authorised Officer*. The prescribed form shall be received by the *Authorised Officer* undertaking the works at least 8 *Working hours* prior to the time of *Burial*.

The original of the prescribed form shall be sent to the *Authorised Officer* through the calendar booking system. Part 2 of the original shall be signed off at the completion of the *Burial* and returned to the appropriate *Council* office. The *Authorised Officer* shall acknowledge receipt of the warrant and send an acceptance back to the appropriate *Council* office.

## **Explanatory notes:**

### Service and Burial

The *Authorised Officer* shall arrange for the digging of the *Grave* and if required, the *Grave* shall be made secure (i.e. a cover in place) until the time of the *Burial*.

The *Authorised Officer* shall ensure that the *Grave* is prepared at least 2 hours before the *Burial* and that the site is tidy, the mats are out and all *Grave* digging standards, including such requirements as outlined under relevant health and safety legislation, are met. The *Authorised Officer* must provide photos to the *Council* to confirm that the *Grave* has been dug.

The Funeral Director shall be responsible for removal of the *Grave* cover, and the timely setting up and safe operation of the lowering gear. The lowering gear is not the responsibility of the *Authorised Officer*, the setting up and maintenance of this gear being the Funeral Director.

Should the Funeral Director require additional time for the setting up of the lowering gear, this shall be negotiated with the *Authorised Officer*.

The *Authorised Officer* shall be present whilst the funeral party are at the *Grave* site. The *Authorised Officer* shall, at the appropriate time, remove and store the mats and lowering gear and commence back filling the *Grave*. Back filling shall be undertaken in a safe manner observing relevant health and safety legislation and current standards.

### Returned Service Association Funerals

Returned Service Association (RSA) requirements, such as flags etc. are to be provided for by the RSA in each area of the *District*. Any deviation from this arrangement must be clearly stated when submitting the application to *Inter*, using the prescribed form. This variation will then be noted on the Warrant to *Inter* form.