

Hamilton City and Crematorium Bylaw 2008

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This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002, the Burial and Cremation Act 1964, amendments to those Acts, and any other relevant statutes.

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the Hamilton City Cemeteries and Crematorium Bylaw 2008 and crematorium now or in the future under the control of the Hamilton City Council.

2 Revocation of Existing Bylaws

- a) The Hamilton City Cemeteries and Crematorium Bylaw 1991, Hamilton City Cemetery and Crematorium Amendment Bylaw 1996 and Hamilton City Crematorium Amendment Bylaw 1999 are hereby revoked.
- b) All matters and proceedings commenced under the bylaws listed in section 2(a) and pending or in progress on the coming into operation of this bylaw may be continued, completed and enforced under this bylaw.
- c) All bylaws previously made by Council relating to cemeteries or crematoria, or any matter dealt with in this bylaw or inconsistent with this bylaw are hereby revoked.

3 Purpose

The purposes of this bylaw are to enable Council to set fees, control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.

4 Compliance with other Acts

Nothing in this bylaw shall detract from any provision of, or the necessity for, compliance with the:

- a) Burial and Cremation Act 1964
- b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
- c) Cremation Regulations 1973;
- d) Health (Burial) Regulations 1946;
- e) Health Act 1956, and
- f) any subsequent amendments of the above Acts.

5 Definitions

In this bylaw except where inconsistent with the context:

"adult" means any person of fifteen years of age or over.

"ashes" means the cremated remains of an individual person.

"authorised person" means any individual to whom the Council delegates the authority to act in a specified area.

"authority to open" means a form signed by the person owning the burial rights to a plot, or a funeral director acting as their agent, authorising the Manager to prepare the plot for burial of the deceased identified on the form.

"beam cemetery" means a cemetery or an area of a cemetery in which upright memorials of prescribed maximum dimensions are allowed to be placed on a concrete beam flush with the ground supplied by the Council.

"berm cemetery" means a cemetery or an area of a cemetery in which plaques of prescribed dimensions are allowed to be placed on a concrete kerb edging a garden.

body, or remains of a deceased person, and includes a

a weather-proof housing in a sunken garden within the Garden of Memories for Council approved plaques commemorating persons cremated at the cemetery whose ashes are buried beneath a tree identified by a reference on the plaque or scattered within the Garden of Memories and not otherwise memorialised within the cemetery.

“Book of Remembrance” means a book displayed at Hamilton Park Cemetery in which the Council may arrange for memorial citations for the dead to be written regardless of whether memorialised elsewhere in the cemetery.

“burial warrant” means a certificate in the form in the Second Schedule, issued by the Council or authorised person, authorising the Manager to bury the person specified in that certificate.

“child” means any person under the age of fifteen years, but not a stillborn child.

“close relative” means grandparent, parent, sibling, child, spouse, civil union partner, de facto partner.

“cemetery” means any land held, taken, purchased, acquired, set apart, dedicated or reserved, under the provisions of any Act, exclusively for the burial of the dead generally and includes a closed cemetery now or in the future established by or under the control of the Council.

“columbarium wall” means a wall erected at a cemetery containing recesses in which ashes may be kept in perpetuity.

“Council” means Hamilton City Council

“cremation” means the reduction to ashes of dead bodies by burning.

“crematorium” means a building and plant established by the Council for the cremation of the dead and any buildings used in connection therewith.

“crematorium grounds” means that portion of the cemetery immediately surrounding the crematorium, and includes the Garden of Memories.

“denominational areas” means any land within a cemetery set apart under this Bylaw or on the grant of an application made under this Bylaw, for the burial of the dead belonging to one or more religious denomination.

“extra depth burial” means interment in a grave of sufficient depth to allow two interments while still meeting the requirements for cover between caskets and over the uppermost casket as defined in this bylaw.

“family berm plots” are plots for the interment of the ashes of up to four members of a family. The plots are situated behind a low berm surrounding gardens within the crematorium grounds at Hamilton Park Cemetery. Up to two memorial plaques may be placed on the side and top of the berm.

person who in the course of his or her business carries out and includes a person who holds himself or herself out as preparation for burial or cremation.

“Garden of Memories” means gardens within the crematorium grounds for the interment of ashes.

“Garden of Peace” means a landscaped area adjacent to the Chapel. It also refers to ash interment in that garden commemorated by an inscribed strip in that garden, a service now discontinued.

“indemnity form” means a form whereby the person signing it undertakes responsibility for the payment to the Council of the fees specified on the form.

“kerbside plaques” are brass plaques fastened to a concrete berm within the cemetery to commemorate those whose ashes are buried in plots in the garden immediately behind the berm. These plots are no longer offered for sale.

“lawn cemetery” means any cemetery or part of a cemetery in which memorials to people buried there are restricted to plaques or tablets, approved by Council, set flush with the ground. Lawn cemeteries may be divided into named contiguous areas or lawns such as the Magnolia Lawn, Beech Lawn, etc.

“low rise memorial” means all headstones that are of the tilted raised plaque design made of a permanent material, fitted on an appropriate base including facilities for vases, and in accordance with approved dimensions.

“maintenance in perpetuity” means for lawn cemeteries, that the Council will maintain the lawns and their environs in good order for as long as it is responsible for the management of the cemeteries in which those lawns are situated. In any given lawn the Council will keep the plaques edged for a period of ten years after the ordinary sale of the last plot at the end of the row that completes the lawn. Thereafter the Council will locate and edge any plaque on request from a visitor to the cemetery; - for all other areas of cemeteries, that the Council will maintain them in good order as long as it is responsible for managing the cemeteries in which they are situated.

“Manager” means the person appointed by the Council to have charge of any cemetery and/or crematorium under the control of Council now or in the future and includes any person directed by the Council to perform the duties of a cemetery and/or crematorium manager for the time being.

“memorial” means a plaque, tablet or upright memorial on any grave as permitted by the bylaw.

“monument” means an upright memorial of dimensions and materials approved by the Council erected in a cemetery or area of a cemetery set out for that purpose

“monumental cemetery” means Hamilton West Cemetery and those parts of Hamilton East Cemetery in which monuments are erected on the graves of those buried there.

“plot” means a grave site as shown on a cemetery plan held available for public inspection at a cemetery and / or offices of the Council.

...ice of a service related to burial or cremation as specified in
...ms of a Council resolution.

...ans the adherents of any religion and includes any Church
sect or other sub-division of such adherents.

“Returned Service Person Ash Berm” means an area set aside within the Servicemen and Servicewomen's section at Hamilton Park Cemetery, for the burial of cremated remains of servicemen and servicewomen and their spouses.

“Services Cemetery” means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicemen or women as defined by the Veterans Affairs New Zealand, Information Sheet MC1, “Eligibility for Burial in Services Cemetery”, and their spouse as defined in the Information Sheet MC10 “Spouse/Partner Interments in Services Cemetery” and any subsequent publications.

“stillborn child” means a child which was born dead.

“upright memorial” means a memorial located on a concrete beam and made of a permanent material and including facilities for vases, and in accordance with approved dimensions.

“Web of Memories” means an area in the cemetery providing upright memorials set on a concrete beam provided by the Council of dimensions and permanent materials approved by Council and set aside for the interment of ashes.

6 Legal Descriptions

(1) Hamilton West Cemetery

Hamilton West Cemetery is the cemetery established by the Council on Allotments 213 and 214 of the Town Belt of Hamilton West, SO 23142, being approximately 0.8092 hectares.

(2) Hamilton East Cemetery

Hamilton East Cemetery is the cemetery established by the Council on Allotment 252 of the Parish of Kirikiriroa SO 33208, SO 1433, and LT 1126A, being approximately 3.2366 hectares.

(3) Hamilton Park Cemetery

Hamilton Park Cemetery is the cemetery established by the Council at Newstead on Allotment 282 of the Parish of Kirikiriroa described in Certificate of Title 556/230 limited as to parcels, being approximately 32.3748 hectares.

7 Procedures

All burials and cremations will be conducted and recorded according to the procedure laid down in the Burial and Cremation Act 1964 and the regulations made under that Act.

8 Hours of Services and Burials

EXCEPT to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, burial or cremation services shall take place between the hours of 8.00 am and 4.00 pm on ordinary week days and Saturdays. Burials and cremation services may take place at other times by special arrangement with the Manager and on payment of the prescribed additional fee.

9 Notice of Services

The Manager shall be given not less than six working hours notice of any burial, cremation, or service. If such notice is not given the burial, cremation or service may be delayed for up to six working hours to enable the Manager to complete the necessary arrangements. Any extra expenses incurred shall be payable by the funeral director or the person or persons arranging the funeral.

10 Responsibility for Arrangements

Funeral directors or those responsible for funeral arrangements must ensure that the casket is presented to the graveside for interment or carried into the Chapel for a cremation service. Unless this is done there may be delays in completing the burial or cremation and any extra expenses incurred by the Council shall be payable by the funeral director or the person or persons organising the funeral.

11 Fees

The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria. Unless specifically stated to the contrary, burials, cremations, and related services will only be carried out on payment of the prescribed fee or fees or on lodgement of an indemnity form guaranteeing payment of that fee or fees.

12 Use of Chapel and Lounge Facilities

The Chapel and Lounge will be available for the conduct of service on payment of the prescribed fee.

13 Book of Remembrance

A Book of Remembrance will be provided by the Council and will be placed in a location where the page of the current day may be viewed and on request the viewing of an inscription on any other page may be arranged. On application and on payment of the prescribed fee the name of any deceased person may be prescribed in that book. No person, other than a person employed by the Council for that purpose, shall inscribe, print or write any name or other matter whatsoever in the Book of Remembrance.

Maintenance or other work, including digging and / or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council, and no person other than the Manager shall, without the written authority of the Council:

- a) Remove any monument, plaque or tablet from any cemetery or grave.
- b) Remove or take from any cemetery or from any grave, except for the purpose of tidying the same, any vase, wreath, plant, flower or any other thing.
- c) Disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other growth in the cemetery.
- d) Plant, cut down or destroy any tree or shrub in any cemetery.

(2) Maintenance of Monuments

All monuments, including those with laminated photographs, shall be kept in proper order and repair by the owner of the plot or his or her representatives. Should a monument fall into a state of decay or disrepair it may at any time be dealt with by the Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

15 Work Not to Cause Unnecessary Obstruction

(1) Paths to be Kept Clear

No person erecting or repairing any monument or carrying out other work in any cemetery shall use any footpaths or other part of the cemetery for placing or depositing there any tools, planks or materials for a longer time than is reasonably necessary to complete that work. Any person who fails to remove such tools or materials after a written request to do so from the Manager breaches this Bylaw.

(2) Care in Mixing Cement

Any person mixing cement or mortar within a cemetery shall do so on a proper mixing board or similar and shall ensure all surplus material and marks are removed from the site on completion of the installation or repair of the monument.

16 Traffic and Parking in Cemeteries

(1) Hours of Entry

Unless authorised by the Council, no person shall take any vehicle of any kind into any cemetery except between the hours of 8.00 am and 4.00 pm at Hamilton East Cemetery and between the hours of sunrise and sunset at Hamilton Park Cemetery, nor allow a vehicle to remain in a cemetery past sunset.

(2) Traffic to Keep to Roads

Within cemeteries, vehicles may only be driven on formed roads which are open to vehicular traffic.

(3) Speed Limit

No vehicle may be driven at a speed of greater than 15 kilometres an hour in any cemetery.

ve right of way over other vehicles within a cemetery.

(5) Drivers to Obey Instructions

Any person driving a vehicle in a cemetery shall stop or move that vehicle as directed by the Manager or a traffic officer, police officer or other duly authorised person.

(6) Traffic Signs

Any person driving a vehicle in a cemetery shall obey all signs, road markings or notices concerning traffic displayed in that cemetery.

17 Animals and Dogs

No person shall take into or allow to remain in any cemetery any dog or other animal except:

- a) A guide dog or hearing ear dog; or
- b) A dog kept by the Police or any constable, or the Customs Department or the Ministry of Defence, or any officer or employee of any such Department of State solely for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State, or of that constable, officer or employee may be brought into any cemetery provided that the dog shall be kept under control at all times.
- c) The owner of any dog, which defecates in any cemetery must immediately remove the faeces and deposit such faeces in a rubbish receptacle or remove them from the cemetery.

18 Soliciting Trade

(1) Trade

With the exception of the transactions of the Manager and his or her staff undertaken in the course of running the cemetery and crematorium, no person may solicit trade or accept orders for goods or services within a cemetery.

(2) Photography

No person may take any photograph or other pictorial record within any cemetery for the purpose of sale.

19 Conduct

(1) Damage to Buildings and Structures

No person shall damage, paint, write or carve on any building or structure within a cemetery or damage property within a building or structure in any way.

(2) Interference with Services

No person shall unlawfully or improperly interfere with or interrupt the carrying out of any burial, cremation, funeral service or ceremony in the crematorium or chapel or within any cemetery.

The Council will not sell the exclusive right of burial in the Hamilton West Cemetery and no further burials or ash interments will be permitted.

21 Use of Hamilton East Cemetery

The Council will not sell the exclusive right of burial in the Hamilton East Cemetery and only burials in valid reserved plots and ash interments will be permitted.

22 Records

The Council will keep plans of the cemeteries it controls, records of all exclusive rights of burial granted and all burials and cremations in the cemeteries. Plans and records will be open for inspection by the public at the office of the Council during normal office hours.

23 Exclusive Rights of Burial

(1) Sale

The Council may sell the exclusive right of burial in a plot. The selling of that right will give the purchaser, or a transferee approved by the Council, the exclusive right of burial in that plot subject to the provisions of this bylaw. On payment of the prescribed fee the Council will issue a receipt and/or certificate similar to the form set out in the First Schedule to this bylaw, which will constitute proof of ownership of the exclusive right of burial in the plot indicated. If the original of the receipt and/or certificate is lost or destroyed a duplicate will be issued on request, and upon payment of the prescribed fee.

(2) Maintenance in Perpetuity

The purchaser of a right of burial shall at the time of the purchase pay to the Council the prescribed fee to cover the cost of maintaining the plot in perpetuity.

(3) Transfer or Repurchase

The purchaser of an exclusive right of burial in any plot may transfer that right to a close relative subject to the approval of the Council and on payment of the prescribed transfer fee. The Council may at its discretion purchase back any unused plot on such terms and conditions as it thinks fit.

(4) Lapse of Right of Burial

If no burial has taken place after 60 years from the date of sale of the exclusive right of burial in a plot the right lapses and the Council shall not be liable for any refund of any fees paid.

24 Burial Warrant and Authority to Open

(1) Burial warrant

No burial shall take place in any cemetery without the production of a Council Burial Warrant in the form set out in Second Schedule authorising that burial.

(2) Authority to Open a Reserved Plot

No burial in a reserved plot, or second interment, shall take place unless the Manager has previously received an "Authority to Open" in the form of the Second Schedule, signed by the owner of the burial right, or a funeral director, or solicitor acting as an agent on their behalf.

d, where applicable, the Authority to Open, issued for any
ed to the Manager at least six working hours before the

25 Grave Plots & Graves

(1) Plot Dimensions

- a) Plots in the Lawn Cemetery areas of Hamilton Park Cemetery and Hamilton East Cemetery shall be 2700mm in length and 1200mm in width if intended for an adult burial and 1800mm in length and 900mm in width if intended for a child burial.
- b) Plots in the Beam Cemetery area of Hamilton Park Cemetery shall be 2700mm in length and 1200mm in width with an additional 300mm path allowance at the foot of the plot, and 1800mm in length x 900mm in width if intended for a child burial.
- c) Plots in any area set aside for the interment of stillborn children at Hamilton Park Cemetery shall be 860mm in length x 500mm in width or 760mm x 450mm or 560mm x 400mm.
- d) Plots for oversize caskets in a designated cemetery area of Hamilton Park Cemetery shall be 3000mm in length x 1500mm in width.

(2) Grave Depths

Graves for the burial of children shall be not less than 1500mm deep. All adult graves shall be not less than 1800mm deep.

(3) Burials per Plot

Except where provision has been made for an extra depth burial not more than one casket burial shall be made in any one plot except that all first adult interments at Hamilton Park Cemetery shall provide for second interment, other than in approved denominational areas.

(4) Minimum Cover

The minimum depth of cover for the uppermost casket in any grave shall not be less than 1000mm except in stillborn cemeteries cover shall be 500mm. In extra depth graves the minimum depth between caskets shall be 100mm.

26 Size of Caskets

A casket for an adult burial should not usually exceed 2130mm in length, 610mm in depth and 760mm in width. If a larger casket is necessary the Manager must be advised at least six hours in advance. If a child's casket is too large for a plot in the children's section it shall be buried in an adult area at the fees applicable for a child's plot and burial. If a casket is too large for a standard adult plot it shall be buried in the area designated for oversize caskets.

27 Flowers and Memorabilia

(1) Removal of Flowers Placed at Time of Interment

Flowers, wreathes, and floral tributes may be placed on graves at the time of interment. After the lapse of seven days from the date of interment, the Council may remove from any grave any flowers, wreathes, or floral tributes placed there at the time of interment, and cause the surface of the grave to be levelled off and sown down in grass.

... levelled and sown as described above, artificial or natural
... placed in a container or containers positioned as described in
the sections on Lawn and Beam Cemeteries below.

(3) Removal and Disposal of Floral Tributes

- a) Any object or artificial or natural cut flowers placed or remaining on any grave in contravention of sub-section (2) above or which have become unsightly, or any receptacle which has been broken or damaged, may be removed by the Manager. Artificial or natural cut flowers or foliage or a broken or damaged receptacle may be destroyed. Any other object removed will be held by the Council to await the disposal instructions of the next-of-kin of the deceased. If no instructions are received before the expiry of one month the object may be destroyed or disposed of by the Council, as it shall see fit. The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
- b) Any fences and rails; any glass, ceramic or terracotta items; any rocks, stones or pebbles; any wire or other metal based items may be removed from any grave by the Manager and may be destroyed or disposed of by the Council as it shall see fit.

28 Memorials

(1) General

- a) Only one plaque, tablet or monument will be allowed on any one grave, including extra depth burial graves, and it shall be placed on the grave in a position approved by the Council. Any one memorial may include two or more inscriptions. Inscriptions may be engraved onto the memorial or be recorded on bronze plaques affixed to the permitted concrete base or low rise or upright memorials.
- b) A Memorial Permit containing the dimensions and material of the memorial is to be submitted to Council for approval. Installation of the memorial shall not proceed until the Manager has approved the appropriate specifications for the designated area. No memorial will be allowed to be placed on the plot where there are any outstanding cemetery debts relating to the deceased.

(2) Lawn Cemeteries

In areas of cemeteries laid out as lawn cemeteries the following provisions shall apply:

a) Memorials

- No grave shall be enclosed with any railing or kerbing or similar and no headstone, monument, cross, marker or memorial shall be placed on any grave except a memorial plaque or tablet, which complies with the following conditions:
- i. The inscription and any design or representation shall be approved by the Council.
 - ii. The plaque shall be of a permanent material approved by the Council and the lettering shall, in the case of natural stone, be embossed or incised and, in the case of metal, raised in a manner and to an extent approved by the Council.

...e for an adult grave shall be 460mm x 300mm, and for a
...grave 380mm x 230mm.

...plaque or tablet shall be securely embedded in a concrete
base 610mm x 460mm x 100mm for adult grave and 560mm x
410mm x 100mm for children's graves. The plaque will be
embedded so that its upper surface is at the same level as the
upper surface of the base.

- v. All plaques or tablets intended to be placed on any grave in any lawn cemetery shall, with the appropriate base, be supplied and delivered to the cemetery office by and at the expense of the owner. The plaque, set in its base, will be set in place by the Council.

b) Flower Containers

After a grave has been levelled and sown as described above, artificial or natural cut flowers may be placed in a container provided by the Council. The container will be embedded below the level of the surface of the turf on the grave to one side of the plaque or tablet in a position approved by the Manager.

Only one such receptacle shall be placed on any one grave.

(3) Upright Memorial Cemeteries

In areas of Hamilton Park Cemetery laid with a continuous concrete beam 850 mm wide (single) or 1220mm wide (double) supplied by the Council, upright memorials may be erected at the head of the graves. The following provisions will apply:

a) Memorials

- i. An Upright Memorial may be set directly on the beam or on a base. The memorial and/or base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot or plots.
- ii. For a memorial on an adult's plot if a base is used, its maximum dimensions shall be 100mm in height, 420mm depth (front to back), and 1050mm in width for single plot base or 2000mm in width for a double plot base. The combined dimensions of the memorial and base shall not exceed 1100mm in height and 1050mm in width (2000mm in width in the case of a double plot base) and no part of the memorial may extend beyond the maximum allowable dimensions of the base.
- iii. For a memorial on a child's plot the base dimensions shall be 100mm in height, 350mm in depth and 650mm in width. The combined dimensions of the memorial and base shall not exceed 700mm in height and 650mm in width.
- iv. There must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the base must be 100mm clear from that edge, but if there is lawn to the rear of the beam a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.

Design shall include one or two recesses for flower containers within the base dimensions and Council approval of inscription on the memorial must be obtained prior to erecting any upright memorial.

- vi. Delivery and installation of monuments will be by and at the expense of the owner and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.

b) Flower Containers

After a grave has been levelled and sown, artificial or natural cut flowers may be placed in a container or containers set in recesses in the memorial or the base of the memorial. Containers may not be placed on the beam.

(4) Low Rise Memorial Cemeteries

In areas of Hamilton Park Cemetery laid out with a continuous concrete beam 850mm wide (single) or 1220mm (double), supplied by the Council, low rise memorials may be erected at the head of the graves. The following provisions will apply:

a) Memorials

- i. A Low Rise Memorial may be set directly on the beam. The memorial and/or base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot or plots.
- ii. The dimensions for adult memorials shall be 560mm in width, 450mm in depth, 50mm front height and 150mm back height with optional base of 920mm in width, 460mm in depth and 100mm in height.
- iii. The dimensions for child memorials shall be 360mm in width, 230mm in depth, 50mm front height and 230mm back height with no base.
- iv. There must be a distance of at least 200mm between the edge of the memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden or another memorial the base may be 100mm or less clear from that edge, but if there is lawn to the rear of the beam a full 200mm must be allowed. In either case this area must be kept clear, both front and rear.
- v. The design shall include one or two recesses for flower containers within the memorial dimensions and Council shall approve inscription for the memorial.
- vi. Delivery and installation of the memorial will be by and at the expense of the owner and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.

b) Flower Containers

After a grave has been levelled and sown artificial or natural cut flowers may be placed in a container or containers set in recesses in the memorial or the base of the memorial. Containers may not be placed on the beam.

Park Cemetery laid out with continuous sloping concrete (single) or 1220mm (double), supplied by Council, plaque or tablet memorials may be placed at the head of the graves. The following conditions shall apply:

a) Memorials

- i. The plaque or tablet shall be set directly on the beam and must be placed equal distant from the side boundaries of the plot or plots.
- ii. The dimensions for the memorial plaque or tablet shall be 460mm wide x 300mm deep.
- iii. The plaque or tablet shall be made of permanent material approved by Council and the lettering shall in the case of natural stone, be embossed or incised and, in the case of metal, raised in a manner and to an extent approved by the Council.
- iv. The inscription and any design or representation shall be approved by Council.
- v. Every plaque or tablet shall be securely attached to the beam with a permanent adhesive material approved by Council.
- vi. Delivery and installation of the plaque or tablet shall be carried out after a memorial permit has been approved and at times agreed with the Manager.

b) Flower Containers

After the grave has been levelled and sown, artificial or natural cut flowers may be placed in a container or containers set in the concrete beam.

(6) Monumental Cemeteries

In areas of Hamilton East Cemetery and Hamilton West Cemetery set out as monumental cemeteries the following provisions shall apply:

a) Plan and Permission

No person may construct, erect, place or repair any headstone, plaque, memorial or other monument or any fence kerb or other enclosure on a grave or plot unless:

- i. A plan of the proposed erection has been submitted to and approved by the Council, and
- ii. Permission from the Manager has been issued and all prescribed fees paid.

b) Foundations

All foundations for monuments shall be placed and laid to the satisfaction of the Council.

(7) Areas for Stillborn Children

In areas of Hamilton Park Cemetery set aside for the purpose the interment of stillborn children the following shall apply:

memorial is permitted on the plot, however a metal grave supplied by the Council, will be installed at the foot of the plot including the name of the deceased and date of death.

- ii. A plaque of approved permanent material not exceeding 80mm x 60mm may be installed on a central plinth within the cemetery.
- iii. The design and inscription for the memorial shall be approved by Council.
- iv. Delivery and installation of the memorial plaque will be by and at the expense of the owner and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.

b) Flower Containers

The Manager will maintain the stillborn area as a garden setting obviating the need for flowers, and any other items placed on the graves will be removed.

29 Services Cemeteries

(1) Eligibility

Areas of cemeteries may be laid out as Services Cemeteries. Those eligible for burial there are as defined in the Veterans Affairs New Zealand, Information Sheet MC1, "Eligibility for Burial in Services Cemetery" and Information Sheet MC10 "Spouse/Partner Interments in Services Cemeteries", or any succeeding publications.

(2) Hamilton Park Cemetery Services Cemetery

- a) Burial and ash interment will be permitted as allowed by the above-mentioned publications.
- b) Commemoration is by way of a plaque as described in the above-mentioned publications or by any other means as approved by Veterans Affairs.

(3) Hamilton East Servicemen's Cemetery

Burials will not be permitted at Hamilton East Servicemen's Cemetery save in special circumstances and with the approval of the Council. Commemoration there will be the appropriate standard type as defined by Veterans Affairs.

30 Denominational Areas

Council, at its discretion, may set aside a denominational area of burial plots for the use of a religious denomination.

- a) The religious denomination may (at their own expense) place a central monument and/or sign within the designated area subject to the plans being approved by Council.
- b) The religious denomination may manifest that religious denomination's religion or belief in worship, observance or practice in the denominational area within reasonable limits.

denominational areas will be either rows or blocks of plots within the cemetery.

will comply with the standards specified for the particular cemetery in which the denominational area is set aside.

PART III Cremation

31 The Casket

(1) Materials

The casket shall be made of readily combustible material approved by the Council. The casket may not be made of lead or iron. If a metal case is necessary a thin zinc lining only may be used.

The Manager may decline to cremate any casket comprised of materials that during combustion may result in a breach of the Resource Consent held by the Council.

The casket should not contain any material such as sawdust or pitch, or medical appliance e.g. pacemaker or any item that could cause a hazard in the combustion process.

(2) Fittings

The casket may be polished and may have the usual furniture but the handles and breast plate must be so fixed as to be easily removed unless made of some readily combustible material approved by Council.

(3) Dimensions

A casket for cremation must not exceed 2130mm in length, 610mm in depth and 760mm in width.

In the event a casket is over-width the Manager may have to arrange for cremation at an alternative crematorium.

32 Attendance at Cremation

Representatives of the deceased may see the coffin placed in the crematorium hall after the service in the Chapel but in normal circumstances no inspection of the actual process of cremation is permitted. However when desired for cultural reasons representatives of the next of kin may attend charging of the cremator by prior arrangement with the Manager.

33 Open Casket

On request to the Manager the casket may be left open in the crematorium chapel or lounge unless a medical referee or the police require it to be closed. On completion of the service the casket shall be closed by the funeral director acting as agent of the representatives of the deceased.

34 Storage and Collection of Ashes

(1) Collection

Ashes received from the crematorium may be collected in the plain container supplied by the Council or in any Council approved container supplied by the person receiving the ashes. Photo identification is required of the person specified to collect the ashes.

the crematorium without charge for a period of not more than 14 days after the cremation. Ashes may be held for up to three months from the date of cremation by arrangement with the Council and on payment of the prescribed fee. If after fourteen days from the date of cremation the ashes have not been collected and no arrangements have been made for storage, the Council will return the ashes to the Funeral director or agent who delivered the deceased to the crematorium.

35 Interment of Ashes

On payment of the prescribed fee, ashes may be interred at Hamilton Park Cemetery by one of the following options:

(1) Garden of Memories

The Garden of Memories provides the following options for the disposal of ashes and memorialisation.

a) The Memorial Walk

The Memorial Walk provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two lots of ashes may be interred and one plaque installed at each plot. Plaques shall be 250mm x 150mm made of bronze or granite or other approved permanent material.

b) The Fountain

The Fountain provides an area around the fountain where up to two lots of ashes may be interred and one plaque installed at each plot. Plaques shall be 150mm x 100mm and made of bronze.

c) The Family Berm

The Family Berm provides concrete berms on which memorial plaques can be installed and behind which ashes can be interred in a garden. Up to four lots of ashes may be interred and up to two plaques installed at each plot. The allowable interment and memorialisation will be in accordance with that approved for the section of the cemetery in which the particular plot is situated.

- i. Plaques shall be 250mm x 150mm and made of bronze or granite or other permanent material as approved by the Council, or
- ii. Plaques shall be 150mm x 100mm made of bronze.

d) The Memorial Berm

The Memorial Berm provides a concrete berm on which memorial plaques may be installed and behind which ashes can be scattered in a garden. The allowable memorialisation will be in accordance with that allowable for the section of the cemetery in which the particular plot is situated.

- i. Plaques shall be 250mm x 150mm and made of bronze or granite or other permanent material as approved by the Council, or
- ii. Plaques shall be 180mm x 100mm made of bronze.

Wall

Wall provides a wall in a sunken garden made of permanent material on which memorial plaques may be installed to memorialise ashes scattered in the surrounding gardens or interred under nearby trees. For each lot of ashes one plaque may be installed on the memorial wall. Plaques shall be 150mm x 120mm made of bronze or granite or other permanent material as approved by Council.

(2) The Book of Memories

The Book of Memories provides an exterior book located in a sunken garden in which memorial plaques may be installed recording which tree under which ashes have been interred. For each lot of ashes one plaque may be installed in the book. Plaques shall be 75mm x 30mm made of engraved plastic laminate.

Only fresh flowers placed in the containers provided by the Council are allowed in the Garden of Memories.

(3) Columbarium Wall

Ashes may be held in perpetuity in a suitable container in a niche in the Columbarium Wall at the crematorium. A commemorative bronze plaque of a size suitable to cover the niche must be installed over the niche. This plaque is to be provided by and at the cost of those persons requiring it, and may be fixed or removed only by persons duly authorised by the Council. No article other than an approved ash container may be placed in a niche and nothing other than an approved plaque may be fixed to the wall.

No person may remove any container from any niche in the Columbarium Wall without the consent of the Council.

Fresh flowers only may be placed in the gardens at the base of the columbarium wall in the containers supplied by the Council.

A small bronze flower holder may be made as part of the bronze plaque and used to hold either fresh or artificial flowers.

(4) Casket Burial Plot

Up to four lots of ashes may be buried in a grave either at the Hamilton East Cemetery or at the Hamilton Park Cemetery. The allowable memorialisation will be in accordance with that allowable for the section of cemetery in which the particular grave is situated.

Flowers may be placed in accordance with that allowable for the cemetery in which the particular grave is situated.

(5) Web of Memories

Only ashes may be interred in these areas of the cemetery laid out with a continuous concrete beam 800mm wide (single) or 1220 wide (double) supplied by Council, on which upright memorials may be installed. Plots shall be 800mm in length and 800mm in width with an additional 200mm path allowance at the foot of the plot. The following provisions will apply:

- a) A memorial may be set on a base. The memorial and base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot. Only one memorial per plot is permitted.

dimensions of the base shall be 100mm in height, 350mm to back), 650mm in width. The combined dimensions of end base shall not exceed 500mm in height and 560mm in

- c) There must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the base may be 100mm clear from the edge, but if there is lawn to the rear of the berm a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.
- d) The design shall include one or two recesses for flower vases; within the base dimensions and the Council shall approve the inscription on the memorial.
- e) Delivery and installation of the memorial will be by and at the expense of the owner and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
- f) Artificial or natural cut flowers may only be placed in the container set in recess in the base of the memorial. Containers may not be placed on the beam or the grave.

(6) Returned Service Persons

a) The Ash Berm

Only the ashes of servicemen and servicewomen and their spouses may be buried in this area. The definition of a serviceman or servicewoman shall be as defined by Veterans Affairs New Zealand, in the Information Sheet MC1 "Eligibility for Burial in Services Cemetery" and Information Sheet MC10 "Spouse/partner Interments in Services Cemeteries", or any succeeding publications. All burials shall be subject to the following conditions:

- i. A maximum of two lots of ashes may be buried in any one plot.
- ii. The ashes of a spouse of a serviceman or servicewoman may be buried in a plot only after the interment of the Returned Service Person in the same plot.
- iii. Flower tributes may be left on the plot only in a standard flower container supplied by the Council.
- iv. Commemoration is by way of a plaque 470mm x 220mm as described in the above mentioned publication or by other means approved by Veterans Affairs
- v. Any Veteran's Affairs requirements or criteria relating to memorials of returned service persons and their spouses relating to personal burial shall also apply with any necessary modifications to burial of ashes in the berm.

(b) The RSA Memorial Wall

- i. A memorial strip made of bronze may be placed in commemoration of a serviceman's or servicewoman's cremated remains that are not otherwise memorialised within the services cemetery.

Establish eligibility to use this service application is made to the Hamilton Branch of the Returned Services Association. On approval and payment for the manufacture of a bronze strip wide by 30mm deep is to be made through the Hamilton Branch of the Returned Services Association.

- iii. Flower tributes are not permitted for this option.

36 Miscellaneous

(1) Dispensations

The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.

(2) Penalties

A person who is convicted of an offence against this bylaw may be liable to a fine not exceeding \$500.00.

(3) Schedules

The provisions of the First and Second Schedules attached are included in and shall form part of this bylaw.

First Schedule – Receipt for Purchase of Right of Burial

Second Schedule – Burial Warrant and Authority to Open



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by the Hamilton City Council by a resolution passed on the
30th day of June 2008 following consideration of submissions received during the special
consultative procedure. The Cemeteries & Crematorium Bylaw 2008 was ordered to come into
force on the 16th day of July 2008.

The COMMON SEAL of the HAMILTON CITY
COUNCIL was hereunto affixed in the presence
of:

Councillor _____

Chief Executive _____