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Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024)

Ture aa-Rohe moo ngaa Waahi Tapu me te Whare Tahu Tuupaapaku

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, the amendments to those Acts, and any other relevant statutes.

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2. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 2.1. This bylaw may be cited as the Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024)
- 2.2. The bylaw applies to every cemetery and crematorium now or in the future under the control of the Hamilton City Council.
- 2.3. The bylaw comes into force on 1 August 2012.
- 2.4. Amendments to this bylaw come into force on 10 April 2024.

3. REVOCATION OF EXISTING BYLAWS

- 3.1. 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.

4. PURPOSE

- 4.1. The purpose of this bylaw is 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.

5. COMPLIANCE WITH OTHER ACTS

- 5.1. 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 Act 1956; and
 - e) Local Government Act 2002;Or any subsequent amendments of the above Acts and Regulations.

6. DEFINITIONS

- 6.1. 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 a person appointed or authorised by Hamilton City Council to carry out general or specific tasks arising from any of the provisions of this bylaw.
Authorised officer	Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties or exercise powers arising from any of the provisions of this bylaw and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.
Authority to open	Means a form or letter 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	Means a concrete beam flush with the ground, supplied by the Council, on which memorials of prescribed maximum dimensions are allowed to be placed.
Berm	Means a concrete kerb edging a garden on which plaques of prescribed dimensions are allowed to be placed.
Burial warrant	Means a certificate issued by the Council.
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 cemetery including closed cemeteries vested in or under the control of the Council now or in the future.
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.
Denominational areas	Means any land within a cemetery set apart under this bylaw or on the grant of an application made under this bylaw, by one or more religious denomination to bury their dead in separate areas.
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 recess for flower vases, and in accordance with approved dimensions.
Manager	Means any person appointed by the Council to manage the operation 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, or upright memorial/headstone on any grave as permitted by this bylaw.
Monument	Has the same definition as “Memorial”.
Natural burial area	Means an area that will be restored with natural vegetation that is set aside for the burial of bodies where the body is not embalmed and is contained in a casket or shroud made of biodegradable materials and the grave is not marked with any permanent memorial.
NZS 4242	Means the New Zealand Standard for Headstones and cemetery monuments (NZS 4242:2018) or successor standard.
Plot	Means a specified area set aside for the burial of a casket or ashes.
Services Cemetery	Means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicepeople as defined by Veterans’ Affairs New Zealand.
Specified agency	Has the same meaning as the Dog Control Act 1996.
Stillborn child	Means a child that is born without any signs of life after the 20 th week of pregnancy and or weighs 400 grams or more.
Religious denomination	Means the adherents of any religion and includes any church, sect, or other subdivision of such adherents.
Working day	means a day of the week other than— <ul style="list-style-type: none"> (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) the day observed in the appropriate area as the anniversary of the province of which the area forms a part.

7. LEGAL DESCRIPTIONS

7.1. 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.

7.2. 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.

7.3. 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.

PART I: GENERAL

8. HOURS OF SERVICES AND BURIALS

- 8.1. 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 8.30 am and 4.30 pm on working days and Saturdays. Burials and cremation services may take place at other times by approval from the Manager and on payment of the prescribed additional fee.

9. NOTICE OF SERVICE

- 9.1. The Manager shall be given not less than eight 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 eight 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. FEES

- 10.1. 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.

11. MAINTENANCE OF MEMORIALS

- 11.1. All memorials, including those with laminated photographs, shall be kept in proper order and repair by the owner of the plot or their representatives. Should a memorial 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.

12. PHYSICAL WORKS ASSOCIATED WITH PLOTS OR OTHER WORKS IN ANY CEMETERY

- 12.1. Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an authorised person.
- 12.2. Any authorised person undertaking physical works within any cemetery must obtain prior approval from the Manager for the physical works.

13. VEHICLES

- 13.1. Any person driving within a cemetery must comply with any regulatory signs controlling traffic.
- 13.2. No vehicle is permitted to remain within a cemetery when closed.
- 13.3. Vehicles may only be driven on roads open for vehicular traffic and shall only be parked in a designated parking area.

14. DOGS AND OTHER ANIMALS

- 13.1 No person shall take any dog or other animal into any cemetery, or allow to remain, except for any disability assist dog or a dog kept by a specified agency.

15. SOLICITING TRADE

- 15.1 With the exception of the transactions of the Manager and their 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.

16. CONDUCT

- 16.1 No person shall:
- a) Enter or remain in the cemetery between the hours of sunset and sunrise without permission from the Manager.
 - b) Conduct themselves in a manner that is unlawful, violent, or improper.
 - c) 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.
 - d) Remove or take from any plot or grave in any cemetery, any vase, wreath, plant, flower, shrub or other object, except for the purpose of tidying the grave and surrounding area.
 - e) Disturb, damage, take any cutting or flower from any plant or tree in a cemetery.
 - f) Light or allow any fires to be lit in a cemetery.
 - g) Dump household waste in cemetery bins.

PART II: CEMETERIES

17. EXCLUSIVE RIGHTS OF BURIAL

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 Interment and cremation records will be open for inspection by the public at the cemetery office during normal office hours and on the Council website.
- 17.5 **Sale**
- a) 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.
 - b) For the avoidance of doubt this does not create an ownership interest in the designated plot.
 - c) In the case of natural burials, there is no provision to reserve plots. The next available plot will be assigned to each new burial.
- 17.6 **Transfer or Repurchase**
- a) 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.
 - b) The Council may at its discretion purchase back any unused plot on such terms and conditions as it thinks fit.

17.7. Lapse of Right of Burial

- a) If no burial has taken place after 60 years from the original 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.

18. BURIAL WARRANT AND AUTHORITY TO OPEN

- 18.1. No burial shall take place in any cemetery without the production of a Burial Warrant.
- 18.2. No burial in a reserved plot, or second interment, shall take place unless the Manager has previously received an Authority to Open, signed by the owner of the burial right, or a funeral director or solicitor acting as an agent on their behalf.
- 18.3. The Burial Warrant and, where applicable, the Authority to Open, issued for any burial shall be delivered to the Manager at least eight working hours before the burial.

19. GRAVE PLOTS AND GRAVES

19.1. Plot Dimensions

Hamilton Park Cemetery	
Adult	2700mm (length) x 1200mm(width)x not less than 1800mm(depth)
Child	1800mm (length) x 900 mm (width) x not less than 1000mm(depth)
Stillborn Children	1000mm (length) x 500mm (width)
Natural Burial	2700mm (length) x 1200mm (width) and graves shall be 800mm below the surface to the top of the casket or shroud.
Minimum Cover	Minimum depth of cover for the uppermost casket in any grave shall not be less than 1000mm except in stillborn cemeteries where the cover shall be 500mm, and in Natural Burial Areas where the cover shall be 800mm. In extra depth graves the minimum depth between caskets shall be 100mm

19.2. Caskets

- a) A casket for an adult burial plot should not usually exceed 2300mm (length) x 610mm (depth) x 830mm (width). If a larger casket is required, the Manager must be advised at least eight hours in advance so that arrangements can be made for burial.
- b) If a child's casket is too large for a plot in the children's section, it shall be buried at single depth in an adult area at the fees applicable for a child's plot and burial.

20. DISINTERMENT/EXHUMATION

- 20.1. Disinterment of a body must be conducted pursuant to the Burial and Cremation Act 1964.
- 20.2. Casket disinterment will only be carried out upon receipt of a disinterment licence issued by the Ministry of Health, Burial Warrant and Authority to Open.

21. TRIBUTES

21.1. Removal of Tributes Placed at Time of Interment

- a) After seven days from the date of interment, the Council may remove from any grave any flowers, wreaths, or tributes placed there at the time of interment and cause the surface of the grave to be levelled off and sown down in grass.
- b) A temporary grave marker made from timber or plastic, not exceeding 500mm in height may be placed on the concrete beam in a secure manner for up to 12 months following burial.

- c) In the case of designated natural burial area, the grave shall be generally levelled, and the area mulched to promote the planned native vegetation.

21.2. Permitted Tributes

- a) After a grave has been levelled and sown as described in section 19.1, tributes may only be placed on the concrete beam.
- b) Containers and temporary markers may not be placed on the beam or the grave once a memorial has been installed.
- c) In natural burial areas tributes must be limited to natural cut flowers only and no containers of any kind are to be placed on or near graves.

21.3. Removal and Disposal of Tributes

- a) Any object or artificial or natural cut flowers placed or remaining on any grave in contravention of 19.2 above or which have become unsightly, or any receptacle which has been broken or damaged, may be removed by the Manager.
- b) The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
- c) Any fences and rails; any glass, plastic, 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.

22. MEMORIALS

22.1. General

- a) General memorials are to be installed by an authorised person.
- b) All foundations for memorials shall be placed and laid to the satisfaction of the Council and in keeping with the NZS 4242.
- c) Memorials must be of a permanent material, with a minimum predicted service life of 50 years, and be approved by the Council.
- d) Supply, delivery and installation of memorials shall be by a qualified monumental mason and at the expense of the owner of the exclusive right of burial or transferee, and shall be carried out after the Memorial Permit has been approved and at times agreed with the Manager.
- e) Approval may be declined for installation where the Manager believes the memorial does not comply with the bylaw or by matter of design or representations is not in keeping with what is common or usual in the said area, including dimensions.
- f) No person may construct, erect, place or repair any headstone, plaque, memorial or other memorial or any fence, kerb or other enclosure on a grave or plot unless a plan of the proposed erection has been submitted to and approved by the Council, and permission from the Manager has been issued and all prescribed fees paid.
- g) No memorial will be allowed to be placed on the plot where there are any outstanding cemetery debts relating to the deceased.
- h) Any one memorial may include no more than six inscriptions. Inscriptions may be engraved onto the memorial or be recorded on lawn plaques affixed to the permitted concrete base or low rise or upright memorials. No inscriptions are to be placed on the back of any memorial. The lettering, in the case of natural stone shall be embossed or incised and, in the case of metal, raised in a manner and to an extent approved by the Council.
- i) In all concrete beam areas, 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 memorial 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.

22.2. **Lawn Cemeteries**

- a) No grave shall be enclosed with any railing or kerbing or similar; and no headstone, memorial, cross, marker or memorial shall be placed on any grave except a memorial plaque, which complies with the stated dimensions. Flower containers should be embedded below ground level.
- b) Only one plaque, or memorial will be allowed on any one grave, and it shall be placed on the grave in a position approved by the Council. A plaque for an adult grave will be 450mm (width) x 300mm (depth), and for a child's plot 380mm (width) x 230mm (depth).
- c) Every plaque must be securely embedded in a concrete base 610mm (width) x 460mm (depth) x 100mm (height) for adult grave and 560mm (width) x 410mm (depth) x 100mm (height) for a child's plot. The plaque must be embedded so that its upper surface is at the same level as the upper surface of the base.
- d) The plaque, set in its base, will be installed by the Council.
- e) 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. Thereafter the Council will locate and edge any plaque on request from a visitor to the cemetery.

22.3. **Upright Memorial Cemeteries**

- a) Upright memorials may be erected in areas of Hamilton Park Cemetery laid with a continuous concrete beam 850mm wide (single) or 1240 mm wide (double) supplied by Council.
- b) 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.
- c) For an adult's plot the memorial must not exceed 1100mm (height) including an optional base x 420mm (depth) front to back x 1050mm (width) for single plot base or 2000mm (width) for a double plot base.
- d) For a child's plot the memorial must not exceed 700mm (height) including an optional base 350mm (depth) x 650mm (width).
- e) It is preferred that the design of the memorial include one or two recesses; within the memorial dimensions.
- f) Once a memorial has been installed tributes may only be placed in the recesses or on the concrete beam. Containers may not be placed on the beam or the grave.

22.4. **Low Rise Memorial Cemeteries**

- a) A low rise memorial may be erected in areas of Hamilton Park Cemetery with a continuous concrete beam 850mm wide (single) or 1320mm (double), supplied by Council. They may be erected at the head of the grave and set directly on the beam.
- b) An allowance of up to 10mm below the maximum memorial dimension or 5mm above the maximum shall be taken into consideration allowing for industry standard variations in cutting stone.
- c) It is preferred that the design of the memorial include one or two recesses for flower vases; within the memorial dimensions.
- d) Once a memorial has been installed tributes may only be placed in the recesses or on the concrete beam. Containers may not be placed on the beam or the grave.
- e) A low rise memorial must include a base and fit into one of the options stated below.
- f) Option 1

Desktop: 560mm (width) x 450mm (depth) x 50mm front (height) /150mm (back height).

Base: 920mm (width x 460mm (depth) x 100mm (height).

g) Option 2

Desktop: 560mm (width) x 380mm (depth) x 40mm front (height) /120mm (back height).

Base: 920mm (width) x 380mm (depth) x 100mm (height).

22.5. Beam Plaque Cemetery

- a) In areas of Hamilton Park Cemetery laid out with continuous sloping concrete beams 850mm wide (single) or 1220mm (double), supplied by Council.
- b) One plaque measuring 450mm x 300mm per plot or two plaques of equal size joined together in a horizontal or vertical position on the concrete beam equalling the single plaque dimensions.
- c) The plaque shall be set directly on the beam and must be placed equal distant from the side boundaries of the plot or plots.
- d) The plaque must be made of granite, bronze or porcelain material approved by Council. Plaques shall have a maximum thickness of 25mm.
- e) One vase receptacle is supplied at the top of the beam – to the left side of the plot when facing the beam/plaque.

22.6. Areas for Stillborn Children

- a) In areas of Hamilton Park Cemetery set aside for the purpose the interment of stillborn children the following shall apply:
 - I. No memorial is permitted on the plot, however a metal grave marker, supplied by the Council, will be installed at the foot of the plot including the name of the deceased, row and plot number.
 - II. A plaque of approved permanent material not exceeding 80mm x 60mm may be installed on a central plinth within the cemetery.
 - III. Delivery and installation of the memorial plaque will be by and at the expense of the owner of the memorial plaque and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - IV. The Manager will maintain the stillborn area as a garden setting and any item placed on the graves will be removed.

23. NATURAL BURIAL AREAS

23.1. In areas of Hamilton Park Cemetery set aside for natural burials the following conditions shall apply:

23.2. General

- a) Natural burials must comply with all legislative and regulatory requirements.
- b) There is no embalming of the deceased. Certified organic sanitisers are allowable.

23.3. Acceptable Caskets

- a) Caskets must be made of biodegradable, chemically untreated material. Pine, macrocarpa, wicker or willow is deemed acceptable. Casket linings and fittings must be biodegradable. Calico, wool and hemp are deemed acceptable.
- b) All items or contents in the casket (including clothing) must be of biodegradable material.

23.4. Acceptable Shrouds

- a) Shrouds must be made of natural fibre. Wool, silk or calico are deemed acceptable.

23.5. Memorials

- a) No permanent memorials are permitted on the plot. Temporary biodegradable markers, supplied by the Council, will be installed as soon as practical after interment.

- b) Cemetery interment records will be used to find burial plots once the area has returned to native vegetation.
- c) Trees or plants will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general, there shall be one tree for every few graves.

24. SERVICES CEMETERIES

24.1. Eligibility

- a) Areas of cemeteries may be laid out as Services Cemeteries. Those eligible for burial there are as defined in Section 15(2) of the Burial and Cremation Act 1964.

24.2. Hamilton Park Cemetery Services Cemetery

- a) Burial and ash interment will be permitted as allowed by Veterans' Affairs.
- b) Commemoration is by way of a plaque as approved by Veterans' Affairs.

25. DENOMINATIONAL AREAS

- 25.1. Council, at its discretion, may set aside a denominational area of burial plots for the use of a religious denomination.
- 25.2. The religious denomination may, at their own expense, place a central memorial and/or sign within the designated area subject to the plans being approved by Council.
- 25.3. The religious denomination may manifest that religious denomination's religion or belief in worship, observance or practice in the denominational area within reasonable limits.
- 25.4. The denominational areas will be either rows or blocks of plots within the existing cemetery.
- 25.5. Memorialisation will comply with the standards specified for the particular cemetery in which the denominational area is set aside.

PART III: CREMATION

26. THE CASKET

26.1. Materials

- a) The casket shall be made of readily combustible material approved by the Council.
- b) The casket may not be made of or lined with lead, iron or zinc.
- c) 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.
- d) 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.

26.2. Fittings

- a) The casket may be polished and may have the usual furniture, but the handles and breast plate must be able to be easily removed; unless made of some readily combustible material approved by Council.

26.3. Dimensions

- a) A casket for cremation must not exceed 2200mm (length) x 440mm (depth) x 840mm (width).
- b) In the event a casket is over-sized the cremation will not take place.

27. COLLECTION AND STORAGE OF ASHES

- a) Ashes will have to be collected from the Crematorium within 14 days of cremation.

- b) If after fourteen days from the date of cremation the ashes have not been collected the Council will return the ashes to the Funeral Director or agent who delivered the deceased to the crematorium.
- c) Photo identification is required of the person specified to collect the ashes.

28. INTERMENT OF ASHES

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

28.2. Garden of Memories

- a) Only fresh flowers placed in the containers provided by the Council are allowed in the Garden of Memories.
- b) The Memorial Walk
 - I. 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.
 - II. Plaques shall be 250mm x 150mm made of bronze or granite or other approved permanent material.
- c) The Memorial Berm
 - I. The Memorial Berm provides a concrete berm on which memorial plaques may be installed and where ashes can be spread in the designated garden. The allowable memorialisation will be in accordance with that allowable for the section of the cemetery in which the particular plot is situated.
 - II. Sunken Garden 1: Plaques shall be 250mm x 150mm and made of bronze or granite as approved by the Council, or
 - III. Sunken Garden 2: Plaques shall be 180mm x 150mm made of bronze.
- d) The Memorial Wall
 - I. The Memorial 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.
 - II. Plaques shall be 150mm x 120mm made of Porcelain.

28.3. Garden of Remembrance

- a) The Garden of Remembrance provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two sets of ashes may be interred and one plaque installed at each plot except for the Bellbird garden where 2 plaques are allowed. Plaque dimensions are as follows for each of the named gardens.

Garden	Material	Dimension
Bellbird	Bronze	150mm X 100mm
Fantail	Granite	250mm X 150mm
Tui	Bronze	250mm X 150mm
Kea	Granite	250mm X 150mm

28.4. The Outdoor Book of Memories

- a) The Outdoor Book of Memories provides an exterior book located in a sunken garden in which memorial plaques may be installed for memorialisation. For each set of ashes one plaque may be installed.
- b) Plaques shall be 75mm x 30mm made of engraved plastic laminate.

28.5. Garden of Remembrance Columbarium Wall

- a) The plots allow for one set of ashes. Only ash containers supplied by the Council may be placed in a plot. A bronze plaque of 200mm x 180mm must be permanently fixed at time of interment to secure the ashes into the wall.

- b) The bronze plaque is to be provided by and at the cost of those persons requiring it and may be fixed or removed only by an authorised person.
- c) A small bronze flower holder may be made as part of the bronze plaque and used to hold either fresh or artificial flowers.

28.6. **Burial Lawn Plots**

- a) Up to four sets of ashes may be interred in a burial lawn plot at Hamilton East Cemetery and Hamilton Park Cemetery. The allowable memorialisation will be in accordance with that allowable for the section of cemetery in which the particular plot is situated.
- b) Flowers may be placed in accordance with that allowable for the cemetery in which the particular plot is situated.

28.7. **Web of Memories**

- a) Only ashes may be interred in these areas of the cemetery laid out with a continuous concrete beam 800mm wide (single) or 1300 wide (double) supplied by Council, on which upright memorials may be installed. Plots shall be 800mm (length) x 800mm (width) with additional 200mm path allowance at the foot of the plot.
- b) The following provisions will apply:
 - I. A memorial must include 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.
 - II. The combined dimensions of the base and memorial must be between a maximum 500mm (height) x 650mm (width) x 350mm (depth), and a minimum 400mm (height) x 450 (width) x 260mm (depth).
 - III. 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.
 - IV. It is preferred that the design include one or two recesses for flower vases; within the base dimensions.
 - V. Delivery and installation of the memorial will be by and at the expense of the owner of the memorial and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - VI. Once a memorial has been installed tributes may only be placed in the recess in the base of the memorial. Containers may not be placed on the beam or the grave.

28.8. **Returned Service Persons**

- a) The Ash Berm
Only the ashes of servicepeople and their spouses may be buried in this area.
 - I. A maximum of two sets of ashes may be buried in any one plot.
 - II. Flower tributes may be left on the plot only in a standard flower container supplied by the Council.
 - III. Any Veterans' Affairs requirements or criteria relating to memorials or interment of returned service persons and their spouses shall apply.
- b) The RSA Memorial Wall
 - I. A memorial strip made of bronze may be placed in commemoration of a serviceperson's cremated remains that are not otherwise memorialised within the services cemetery.
 - II. To establish eligibility to use this service application is made to the Hamilton Branch of the Returned Services Association. On approval an order and payment for the manufacture of a bronze strip 405mm wide by 30mm deep is to be made through the Hamilton Branch of the Returned Services Association.
 - III. Tributes are not permitted for this option.

PART IV: OFFENCES/BREACHES & PENALTIES

29. OFFENCES AND BREACHES

- 29.1. No person shall do anything or cause any condition to exist for which prior approval from Council is required under this bylaw without first obtaining that approval and the failure to do so shall constitute a breach of this bylaw.
- 29.2. No application for a prior approval from the Council, and no payment of or receipt or any fee paid in connection with such application or approval shall confer any right, authority, or immunity on the person making such application or payment.
- 29.3. Any person commits a breach of this bylaw who:
- a) Does or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary or otherwise than as provided by this bylaw; or
 - b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
 - c) Refuses or neglects to comply with any notice duly given to them under this bylaw; or
 - d) Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this bylaw; or
 - e) Fails to comply with any notice or direction given under this bylaw.
- 29.4. Any person commits a breach of this bylaw who:
- a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any memorial or any work or material of any description whatsoever, contrary to, or other than in accordance with the provision of this bylaw; or
 - b) Having omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by an authorised officer, fails to carry out the remedial action specified in that notice.
- 29.5. The notice issued under section this section shall state the time within which the remedial action is to be carried out and may be extended from time to time by written authority of the Council.

30. PENALTIES

- 30.1. Every person who fails to comply with any part of this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act and the other enabling enactments.
- 30.2. Where any person is alleged to have committed an infringement offence, that person may either:
- a) Be proceeded against summarily for the offence; or
 - b) Be served with an infringement notice as provided in the Local Government Act 2002.
- 30.3. The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this bylaw.
- 30.4. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 30.5. Any person found guilty of breaching the following sections of this bylaw, will be liable to an infringement fine in accordance with Section 16 (i) of the Burial and Cremation Act 1964.
- a) Section 11 offences relating to vehicles
 - b) Section 12 offences relating to animals and dogs
 - c) Section 13 offences relating to soliciting trade

- d) Section 14 offences relating to misconduct
 - e) Section 18 offences relating to authorised reopening of graves
 - f) Section 20 offences relating to memorials
- 30.6. The Council may in accordance with the Trespass Act 1980, serve a Trespass notice after warning a person to leave or warning to stay off its premises.

31. MISCELLANEOUS

31.1. Dispensations

- a) 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.