

CHRISTCHURCH CITY COUNCIL
CEMETERIES BYLAW 2013
(Incorporating 2018 amendments)

This bylaw is made under section 16 of the Burial and Cremation Act 1964, and section 146 of the Local Government Act 2002.

1. SHORT TITLE AND COMMENCEMENT

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

Preliminary provisions

2. PURPOSE

- (1) The purpose of this bylaw is to regulate activities and behaviour in cemeteries in order to maintain, protect, and enhance cemeteries under the control of the Council.
- (2) This bylaw does not apply to any cemetery, crematorium, burial ground or urupa that is under the control of another organisation.

3. INTERPRETATION

- (1) In this bylaw, unless the context requires otherwise:

'Act'	means the Burial and Cremation Act 1964.
'Burial or interment'	means the burial or depositing of a human body, or a container of ashes resulting from the cremation of a human body, underneath the earth, or in a vault.
'Cemeteries handbook'	means the document adopted by Council that sets out the rules and information applying to activities and conduct in cemeteries.
'Cemetery'	includes any cemetery owned and/or administered by the Council, and includes a closed cemetery.
'Council'	means the Christchurch City Council.
'Monument'	includes any headstone, plaque, panel, memorial or concrete kerbing or other erection.
'Vault'	means a structure approved by the Council for the deposit of specially sealed coffins containing a human body, or containers of ashes resulting from the cremation of a human body.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

- (3) Explanatory notes do not form part of this bylaw and the Council may add, amend or delete explanatory notes at any time without formality.

Explanatory Note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

Regulation of cemeteries

4. CEMETERIES HANDBOOK

- (1) The Council may by resolution make, or amend or revoke a Cemeteries Handbook that establishes rules for activities and conduct in cemeteries.

Explanatory Note: Before making, amending or revoking the Cemeteries Handbook the Council will comply with the consultation requirements of the Local Government Act 2002.

- (2) Without limitation the Cemeteries Handbook may include rules and information relating to:

- (a) interment and disinterment
- (b) the purchase of burial plots (exclusive right of burial)
- (c) built structures, their maintenance or repair, and who can carry out maintenance and other work
- (d) ground maintenance and planting
- (e) hours of access
- (f) vehicle movements and parking
- (g) health and safety
- (h) standards of behaviour
- (i) special conditions relating to cemeteries or parts of cemeteries
- (j) forms and records

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

5. ACTIVITIES AND CONDUCT IN CEMETERIES

- (1) Persons in cemeteries must conduct themselves in accordance with the Act and the rules set out in any Cemeteries Handbook.
- (2) Any person who carries out an activity, or behaves in a manner, that does not comply with the rules and standards of the Cemeteries Handbook breaches this bylaw.
- (3) For the avoidance of doubt, the Council, including its employees or agents, may carry out any activity in a cemetery in accordance with the Act, whether or not the activity is provided for in the Cemeteries Handbook.

6. FEES

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

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

7. OFFENCE AND PENALTY

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

8. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

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

9. REVOCATIONS

The following bylaws are revoked:

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

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 6 December 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 June 2013. This bylaw was reviewed in 2018 to comply with Local Government Act 2002 review requirements (section 158(1)), and was subsequently amended by the Christchurch City Council at a meeting of the Council held on 22 November 2018.