



# **Public Amenities Bylaw 2010**

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# 1.0 INTRODUCTION

## 1.1 Scope

- 1.1.1 The Local Government Act 2002 confers general bylaw making powers on Council. This bylaw controls a diverse range of activities in public amenities to ensure that acceptable standards of convenience, safety and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this bylaw addresses conduct in public amenities such as libraries, reserves, aerodrome, public parking areas, public toilets swimming pool, beaches, other public buildings and cemeteries which may have an adverse effect on other users of these facilities.
- 1.1.2 Section 145, 146 of the Local Government Act 2002 and other relevant Act e.g. Reserves Act 1977, Health Act 1956, outline some of the powers and requirements of the Council in regard to public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act, 2002 and other legislation should be read in conjunction with it.

## 1.2 Fees and Charges

- 1.2.1 The fees for any certificate, authority, approval, consent given, inspection made or service given by Council and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Manual from time to time.

## 1.3 Offences

- 1.3.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 1.3.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 1.3.3 Everyone commits an offence against this Bylaw who:
- 1.3.4 Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
- 1.3.5 Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
- 1.3.6 Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
- 1.3.7 Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
- 1.3.8 Refuses or neglects to comply with any notice duly given under this Bylaw; or
- 1.3.9 Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw: or
- 1.3.10 Fails to comply with any notice or direction given in this Bylaw.

## 1.4 Penalties

- 1.4.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.

- 1.4.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

## **2.0 INTERPRETATION**

- 2.1 In this bylaw, unless the context otherwise requires:

**APPROVED** means approved by Council or by an officer of Council authorised in that behalf.

**AUTHORISED OFFICER** means any person appointed by Council to act on its behalf and with its authority.

**BEACH** means any land adjacent to any sea coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the council and is contiguous to the foreshore and used in connection therewith and where a river crosses a beach includes the area one kilometre upstream from the mouth of the river, and, where the control of the foreshore is vested in the council, includes the foreshore.

**BOOK** includes any magazine, newspaper, periodical, or manuscript or other article of a similar nature, or any part thereof respectively.

**BORROWER** means any person to whom the local authority has by registration or otherwise granted any licence or privilege to borrow.

**BORROWER'S CARD** means any card issued by the librarian as a means of identification of any borrower from the library.

**BYLAW** means a bylaw of the local authority for the time being in force, made under the provisions of any Act or authority enabling the local authority to make bylaws.

**CEMETERY** means any cemetery vested in or under the control of the Council from time to time.

**COUNCIL** means the Waitomo District Council.

**CUSTODIAN** means any person for the time being appointed by Council to control or manage or to assist in the control and management of any land, building, or premises belonging to or under the jurisdiction of Council.

**DISTRICT** means the Waitomo District.

**DOCUMENT** means any map, picture, or piece of music including a gramophone record or sound recording tape, broadsheet, card, cutting, photographic or negative film, or photocopy whether the property of Council or for the time being under the control of Council.

**ENVIRONMENTAL HEALTH OFFICER** means the Environmental Health Officer appointed by Council under the authority of the Health Act 1956 or any other Act.

**INSPECTOR** means any officer appointed by the local authority for the time being to carry out or exercise the duties of an inspector under this bylaw.

**LIBRARIAN** includes any person for the time being appointed to control or manage (or to assist in the control and management of) the library;

**LIBRARY** means any library established and carried on for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes.

**LICENSED** means holding a licence under this bylaw or under any statute.

**MAP** includes a chart or plan or other article of a similar nature;

**MEDICAL OFFICER OF HEALTH** means the Medical Officer of Health appointed under the provisions of the Health Act 1956 for the health district, which includes the district under the jurisdiction of the local authority.

**MONUMENT** means the same as in Section 2(1) of the Burial and Cremation Act 1964.

**OCCUPIER** means the inhabitant occupier of any property and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined of such building, house, tenement, or premises.

**OFFENCE** includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

**OWNER** of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rack rent of such property, land, buildings, or premises, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include his attorney or agent, or any other person acting for him on his behalf.

**PARKING** means the standing of a vehicle in any place for a period in excess of 5 minutes and the verb park shall have a corresponding meaning.

**PERSONS** include a corporation sole and also a body of persons, whether corporate or unincorporated.

**PICTURE** includes an engraving, etching, print or photograph or other article of a similar nature, and includes any rental picture available for hire.

**PLAQUE LAWN CEMETERY** means a cemetery in which the surface is laid down as a grass lawn, no headstones project above the ground and which is declared to be such by Council.

**POOL MANAGER** includes any attendant or contractor for the time being employed by Council to control or manage or to assist in the control and management of any swimming pool.

**PREMISES** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same or enclosed space separately occupied and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

**PUBLIC AMENITY** includes any beach, cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.

**PUBLIC SWIMMING POOL** (hereinafter called SWIMMING POOL) means any swimming pool under the control for the time being of the local authority for use by the public or any section thereof and includes every portion of any premises used in connection with such purposes.

**REFERENCE COLLECTION** means any item identified by Council for use only within the library.

**RESERVE** includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is now or hereafter may be under the management or control of the local authority.

**ROAD** has the same meaning as in the Land Transport Act 1998, which includes every berm, bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits of the road reserve, and shall where the context requires include a street but does not include State Highways controlled by the NZ Transport Agency except where a specific authority has been delegated to Council.

**SEXTON** means any person appointed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction. Such activities include arranging for the provision of plots for burials.

**SPECIAL COLLECTION** means any item or group of items identified by Council, or held by Council, to have specific characteristic(s) that warrant the use of those items being restricted to ensure the items are appropriately protected or maintained.

**STREET, PRIVATE STREET, FOOTWAY AND PRIVATE WAY** shall have the respective meanings assigned to them in the Local Government Act 1974 and shall where the context requires be included within the definition of a road.

**SURFBOARD** means any object of wood, metal, fibre-glass, plastic or any other material of any kind whatsoever used for the purpose of surfing or surf-riding.

**SURFBOARD AREA** means an area as defined and reserved under clause 1908.2 hereof.

**TABLET** includes a plaque.

**VEHICLE** has the same meaning as in the Land Transport Act 1998 which is a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and Includes a hovercraft, a skateboard, in-line skates, and roller skates.

**WORKING HOURS** means the hours specified by the Council during any working day when its offices shall be open to the public.

**WRITING, WRITTEN** or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be written it may be partly in writing and partly in printing.

## **3.0 GENERAL CONDUCT AND RESTRICTIONS IN PUBLIC AMENITIES**

### **3.1 Vehicles**

3.1.1 No person shall in any public amenity:

- (a) Drive or park any vehicle carelessly, negligently or dangerously or without due consideration for persons using the public amenity;
- (c) Fail to comply with any direction for the regulation of vehicles given by an authorised officer, a member of the police or a traffic sign;
- (d) Fail, after the vehicle has been involved in an accident within any public amenity to give his name and address and the name and address of the owner of the vehicle to any person having reasonable grounds for requiring them;
- (e) Fail forthwith to report to an authorised officer any accident in which the vehicle has been involved within any public amenity;

3.1.2 Except with the prior permission of the Council, no person shall bring any vehicle into the public amenity unless such access is gained via an approved vehicle access point and vehicles are only driven on roadways provided for this purpose.

3.1.3 Vehicles may only be driven in public amenities on access ways which are open to vehicular traffic and park only in designated parking areas.

3.1.4 No vehicle shall be driven in any other direction than indicated by traffic signs or at a greater speed than indicated on any road within the public amenity and where no speed limit is displayed a speed limit of 20 km/h shall apply pursuant to the speed limit part of Council's Land Transport Bylaw.

3.1.5 Clause 3.1.4 will not apply to a vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property.

### **3.2 Vegetation**

3.2.1 No tree or shrub shall be planted in any part of any public amenity without the prior consent of the Council.

3.2.2 No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or remove other vegetation in any public amenity without the consent of the Council.



### **3.3 Restricted Conduct in Public Amenities**

3.3.1 No person shall in a public amenity:

- (a) interfere with, interrupt or delay the carrying out of any activity, service or ceremony;
- (b) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public amenity;
- (c) bring into or exhibit any article that is a nuisance or is offensive to any other person;
- (d) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person;
- (e) consume, inject or inhale any proscribed substances or offer or sell such substances to any person;
- (f) be intoxicated and fail forthwith to leave any public amenity when directed to do so by an authorised officer or Police officer;
- (g) use profane or obscene language or gestures within the hearing or sight of any person in that public amenity;
- (h) climb, or attempt to climb any wall, fence, barrier, railing or post;
- (i) wilfully give a false fire or ambulance alarm.

3.3.2 Except with the prior permission of the Council, no person shall in a public amenity:

- (a) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires;
- (b) open a drain or sewer on, or disturb or remove the surface of, any public amenity;
- (c) remove any sand, soil or other naturally occurring material found in a public place.

3.3.3 No person shall in a public amenity, throw or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to be offensive or create a nuisance. Litter may be deposited in public litter receptacles where these are provided.

### **3.4 Animals in/on Public Amenities**

3.4.1 The control of animals in/on public amenities is subject to the relevant provisions in the Public Places Bylaw and the Dog Control Bylaw except that animals may be taken into or onto a public amenity with the prior consent of Council.

### **3.5 Expulsion of Offenders**

3.5.1 The Council may require any person who contravenes any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity or any person who is not bona fide using the public amenity for the purpose for which it is intended, to leave that public amenity, and any refusal on the part of the person to do so will constitute an offence against this Bylaw.

### **3.6 Exclusion from Public Amenity**

3.6.1 Where in the opinion of the Council, any person has contravened any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity, the Council may exclude that person from the public amenity, until notice is given for the person to return.

## **4.0 LIBRARY**

### **4.1 Management Control and Use**

4.1.1 Council may from time to time make rules:

- (a) For the control, management and use of the library;
- (b) Determining the days and hours during which a library shall be open; and
- (c) For subscriptions, fees and charges payable by persons entering, remaining in or using the library or any service offered in the library.

4.1.2 Council or an authorised officer may from time to time determine:

- (a) The maximum number of items of the collection which may be lent to any person at any one time;
- (b) The length of time any item may be lent to any person;
- (c) The conditions for use of any item of a reference or special collection, or any other library service;
- (d) The information required for membership and any applicable terms or conditions of membership;
- (e) That a library or part thereof may be closed to the public for the exclusive use of the library by any person or group;
- (f) That a library or part thereof may be closed where circumstances would adversely affect library operations or public safety; and
- (g) For maintaining good order and conduct whilst persons are in a library or part thereof.

### **4.2 Conditions of Membership**

4.2.1 Any person issued a library card is responsible for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.

4.2.2 Without limiting clause 4.2.1 where a person under the age of 18 years is issued a library card a parent or guardian must guarantee responsibility for that card, and in doing so that parent or guardian accepts responsibility for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.

4.2.3 Every application for membership must contain the information that the Council requires to issue the library card.

4.2.4 Any person issued a library card shall notify Council of any change of their address.

4.2.5 Any person issued a library card shall notify Council of the loss of any library card.

4.2.6 Any person issued a library card shall not allow any other person to use the library card except where that person:

- (a) Is the parent or guardian responsible for that library card; or
- (b) Has been authorised to use the library card by application to Council.

### **4.3 Borrowing**

4.3.1 Any member may borrow any item, except reference books and special collection items, from any library provided that they:

- (a) Pay any applicable fee or service charge;

- (b) Present their library card or other form of identification acceptable to Council;
- (c) The item is issued to them through the Council or library issuing system;
- (d) Have approval to remove that item from the library;
- (e) Return the item to the library by the specified return time and date.

4.3.2 Council may restrict any member from borrowing any item from the library if that person:

- (a) Has any outstanding fines or other outstanding amounts owed to Council in excess of the prescribed level;
- (b) Has already borrowed more than the prescribed number of items;
- (c) Seeks to borrow an item that is part of a reference collection or special collection for which use is restricted.

#### **4.4 Damage or Loss of Collection Items**

4.4.1 If any item borrowed for the Library is lost or returned in a state that prevents the item from being returned to the collection, the borrower shall pay to Council the cost of replacing such item, or pay for any damage as the Council may determine.

#### **4.5 Special Collections**

4.5.1 Without limiting clauses 4.1, 4.2, or 4.3 any person may use any item that is part of a special collection provided they comply with any conditions of use specified by Council.

#### **4.6 Entry and Access**

4.6.1 Any person may enter, remain in or use any public part of any library during the hours that the library is open to the public.

#### **4.7 Use of the Library**

4.7.1 The use by any person of any library service or facility must be for legal purposes, and must not result in breach of copyright, breach of privacy rights, unauthorised alteration or deletion of data or website contents, unauthorised access to information or the access or transmission of illegal images or text.

## **5.0 PARKS AND RESERVES**

### **5.1 Restricted Conduct in Parks and Reserves**

5.1.1 No person shall post or interfere with any placard, sign, or notice board in on or about any reserve without the prior permission of an authorised officer of the Council, or without such permission distribute any handbill or notice in a reserve or at any of the entrances.

5.1.2 No person shall bathe or wade in any water in any reserve except in any bath, swimming pool or paddling pool provided for that purpose or any recognised swimming spot in a river in the reserve.

5.1.3 No person shall put up or erect any stall, booth, swing, amusement device, or structure of any kind within any reserve except by permission of an authorised officer of the Council and then only in compliance with every condition under which such permission may be granted.

5.1.4 No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission of an authorised officer of the Council, and then only in compliance with every condition under which such permission may be granted. Any custodian may take into his or her possession and retain, without liability, any intoxicating liquor, while the person carrying the same is in any reserve or facility.

5.1.5 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, whether wild or farmed, fish, bird, bird's nest or bird's egg, or attempt so to do, in or from any reserve without the prior permission of an authorised officer of the Council.

Provided that in the case of any animal or bird protected by the Wildlife Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

- 5.1.6 No person shall, within the limits of any reserve and except with the prior permission of an authorised officer of the Council, organise, hold, or conduct, or attempt to hold or conduct a fair or fete.
- 5.1.7 The authorised officer of the Council in charge of reserves, and in his or her absence the custodian, may prevent any game being played therein which in his or her opinion is liable to damage the said reserve or anything therein, or which in his or her opinion is otherwise undesirable or unseemly.
- 5.1.8 No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the custodian or authorised officer shall direct.
- 5.1.9 No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by the custodian or authorised officer to leave such playing ground or reserve or any part thereof, or when any notice is erected at the main entrance to such playing ground or reserve or alone or with any other words.
- 5.1.10 No person shall play or practise golf except on a reserve which the Council has set aside for that purpose.
- 5.1.11 No person shall within the limits of any reserve and without the prior permission of an authorised officer of the Council: -
- (a) Take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, trap or net or let off any fireworks; or
  - (b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.
- 5.1.12 Any custodian may take into his or her possession and retain any of the articles referred to in 5.1.11 (a) above without being liable for any claim arising therefrom while the person carrying the same is in any reserve.
- 5.1.13 No person shall from or in the airspace above any reserve except the Waitomo Aerodrome fly any model aeroplane in a manner hazardous to the public and when directed to cease doing so by a duly authorised officer of the Council.
- 5.1.14 No person shall make use of any part of any reserve except the Waitomo Aerodrome for the purpose of the landing thereon or flying there from of an aeroplane or of any kind of flying machine, hot air balloon, or glider except in case of emergency or in accordance with the prior permission of an authorised officer of the Council.
- 5.1.15 No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

## **6.0 USE OF PUBLIC SWIMMING POOLS**

### **6.1 Management Control and Use**

- 6.1.1 If in the opinion of either Council or the pool operator an emergency or other situation warrants the immediate closing for public use of any swimming pool or any part thereof, Council or the pool operator as the case may be may forthwith close such swimming pool for use by the public until, in the opinion of Council or the pool operator, such emergency or other situation ceases to exist.
- 6.1.2 The pool operator may refuse admission to any person to any part of any swimming pool which in the opinion of the pool operator is likely to become overcrowded.

- 6.1.3 No person shall use or seek to use cameras and or mobile phones with camera (pixtel) in the changing rooms.
- 6.1.4 Council may in its discretion, for such fees and under terms and conditions and during such periods as Council may decide, grant rights or permission to use any swimming pool or part thereof for the purpose of coaching or teaching swimming with or without monetary reward and may refuse to grant or renew such rights or permission or cancel any such permission.
- 6.1.5 Children under the age of 8 years are required to be supervised by a person 16 years or older.
- 6.1.6 No person shall: -
  - (a) Dive from any part of any swimming pool other than from the immediate surround to any area of water set aside for swimming. or
  - (b) Take into any part of the swimming pool any glass bottles or other containers made of glass. The pool operator shall have power to impound any such articles brought into the swimming pool.
- 6.1.7 Every person shall leave the swimming pool immediately upon the request of the pool operator over the public address system or by the sounding of a warning device.
- 6.1.8 Any person finding any article which may have been left in any bathroom or changing room or in any other part of the swimming pool shall immediately after finding such article deliver the same to the pool operator or other person acting on his or her behalf. Any property not claimed within 3 months of the date of being handed in may be disposed of in such manner as Council thinks fit.

## **7.0 BEACHES**

### **7.1 Access to Beaches**

- 7.1.1 Every person operating any vehicle, or leading, riding or driving any horse on any part of any beach must show due consideration for other users of the beach at all times.
- 7.1.2 Except as provided for in 7.1.3 below Council may prohibit or restrict the leading, riding, driving or swimming of a horse or cattle or other animal on or from any part of a beach which is likely to be used or is ordinarily used or is being used for the purpose of bathing or other recreation.
- 7.1.3 Any person whose land is adjacent to such beach and who uses the beach as an access to such land has the right to use the beach for this purpose, but the right shall be confined to that portion between such land and the nearest access point.
- 7.1.4 All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach from an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.
- 7.1.5 Every person being the owner or having the care, custody or control of any cattle or sheep shall keep and prevent the same from wandering or being at large without proper guidance on any beach.

### **7.2 Protection of Property**

- 7.2.1 Subject in all things to the provisions of the Resource Management Act 1991, except with the permission of the Chief Executive, no person shall –
  - (a) Remove from any beach any stone, shingle, shell, sand, boulders, silt, mud, or other material;
  - (b) Use any portion of a beach for the wintering of boats; or
  - (c) Interfere with or remove any portion of any structure erected for the control of sand.

7.2.2 No person shall damage, disfigure or write in or upon any dressing shed, toilet or other property.

### **7.3 Restricted Conduct on Beaches**

7.3.1 No person shall clean any fish or leave any dead fish or fish offal on the beach, or deposit any dead fish or fish offal in the sea in the vicinity of the beach.

7.3.2 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by Council or by any life saving club unless authorised by Council to do so for practice purposes.

### **7.4 Surf Life Saving Clubs**

7.4.1 Council may at its discretion authorise any life saving club (whether subsidised or not) to:

- (a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
- (b) use any such life saving equipment provided by Council ; and
- (c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.

7.4.2 No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

### **7.5 Dogs on Beaches**

7.5.1 No person shall take any dog or allow any dog in his/her custody to be on any beach except as permitted by the current Waitomo District Council Dog Control Policy and Bylaw.

### **7.6 Speed Limits on Beaches**

7.6.1 Any maximum permitted speeds for vehicles using beaches or portions thereof shall be set under the current version of the Speed Limits Bylaw, whether freestanding or part of a consolidated Bylaw.

## **8.0 PUBLIC CEMETERIES**

### **A GENERAL**

#### **8.1 Burial Plots: Exclusive Right of Burial**

8.1.1 Burial plots sold by Council shall be sold upon the terms and conditions as decided by Council and the exclusive right of burial may be granted for such limited period as Council determines.

8.1.2 Any purchaser or owner of the exclusive right of burial in any plot in which no burial have yet taken place, may, with the consent of Council, transfer his or her interest in such ground to any other person upon payment to Council of the relevant administration fee.

8.1.3 No burial shall take place in any plot in respect of which the exclusive right of burial is held by another person unless such person has consented to such burial in writing.

#### **8.2 Burial Plots: No Exclusive Right of Burial**

8.2.1 Where the exclusive right of burial has not been purchased, and where the human remains to be buried are not that of a poor person as mentioned in clause 8.7 below, such burial shall take place only upon production to Council of a certificate by a relative of the deceased in the form prescribed by Council.

8.2.2 Such burial shall take place in such plot as Council shall determine and no fence or headstone shall be erected thereon unless the exclusive right of burial is purchased at a later date as provided for in clause 8.2.3 below.

8.2.3 Any friend or relative of a person so buried may, at any time within 2 years from the date of such burial or such extended time as Council sees fit, purchase the exclusive right of burial in such plot and exercise all the rights and privileges there-ament.

### **8.3 Provisions for all Interments**

8.3.1 Burials may be made in any cemetery for the time being vested in Council or under its control and not officially closed.

8.3.2 No burial shall be made in any cemetery without a burial warrant for that purpose obtained from Council by the person having the management or control of the burial and presented to the sexton as authority for burial.

8.3.3 No such warrant shall be issued until the fee for interment has been paid provided however, in the case of an interment under the management or control of a funeral director, Council may waive the requirement for prior payment and charge the cost against the funeral director concerned on the basis of a monthly account, or such period as Council decides.

8.3.4 "Out of district fees" shall be payable as per the Policy set by Council from time to time.

8.3.5 The burial warrant, when issued by Council, shall be sufficient authority for such burial, and after such burial the sexton shall sign the certificate at the foot of such warrant.

8.3.6 Notification of the intended burial shall, whenever possible, be given to Council at least 9 working hours prior to the time fixed for the funeral. Where an intended burial is to take place on a weekend or public holiday, whenever possible, 12 working hours notice shall be given to Council. Notification of an intended burial can be made to Council, outside working hours, through the Council's afterhours service. No Burial shall take place until the warrant has been delivered to Council.

### **8.4 Hours for Interments**

8.4.1 No interment shall be held on any day except between the hours as set out below:

<b>1 October – 31 March</b>		<b>1 April – 30 September</b>	
<b>Day of week</b>	<b>Burial times</b>	<b>Day of week</b>	<b>Burial times</b>
Monday - Friday	10.00am – 3.30pm	Monday - Friday	10.00am – 2.30pm
Saturday	10.00am – 2.00pm	Saturday	10.00am – 2.00pm

8.4.2 Council must agree to and confirm the time for all burials with the funeral director.

### **8.5 Sexton or Assistant Only to Dig Grave**

8.5.1 No person other than an authorised officer or his assistants or any other person for the time being duly authorised by Council shall dig any grave in, or open the ground for burial in any part of any cemetery or fill in such grave after the interment has occurred. The minimum depth of cover over any coffin shall be 1m.

### **8.6 Burial of Ashes**

8.6.1 Upon application being made in that behalf and on payment of the prescribed fees the urn containing the ashes of any deceased person may be buried at a minimum depth of 400 mm in either the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial subject to the limitation that no more than four urns may be buried in any one plot.

### **8.7 Interment Charges: Poor Persons**

8.7.1 Where application is made to Council for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Council a certificate duly signed certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by Council, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form specified by Council.

## **8.8 Deceased Servicemen**

8.9.1 Only those persons who have had war service or service which has been defined by the Minister of Veteran's Affairs as war service or that person's spouse or partner may be buried in a Servicemen's section of the Te Kuiti Cemetery. This provision is subject to the condition that a spouse or partner of a serviceman or servicewoman may only be buried after the interment of the serviceman or servicewoman.

8.9.2 Notwithstanding anything to the contrary contained in this part of this bylaw, the fee payable to Council for the disinterment of any deceased serviceman and the re-interment thereof in the war graves section of the cemetery by the War Graves Branch of the Department of Internal Affairs may be agreed upon between the parties from time to time.

## **8.9 Disinterment**

8.9.1 Where an application for a disinterment is received by Council, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of the relevant fees.

## **8.10 Soliciting of Orders**

8.10.1 No person shall advertise or solicit any order or custom from any other person, in any cemetery, for any work whatsoever to be done or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any cemetery.

8.10.2 Except at the specific request of a purchaser of plot or their representatives or assigns no person shall, in any cemetery, accept or take any such order or custom as aforesaid.

## **8.11 Vehicles**

8.11.1 No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as Council approves.

8.11.2 No person in control of any vehicle shall drive on any part of any cemetery except the roads open for vehicular traffic unless authorised by Council.

8.11.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

## **8.12 Animals**

8.12.1 No person may bring or allow any dog, horse or other animal to enter the confines of any cemetery except that Council may permit sheep to be grazed for the purposes of maintaining the cemetery.

## **B ENHANCEMENT OF PLOTS**

### **8.13 Vaults**

8.13.1 No vaults will be constructed in any cemetery within the District without Council consent and plans and specifications for the construction thereof must be submitted to Council for consideration. If approved, construction of the vault shall be to standards acceptable to Council.

### **8.14 Fencing, Tombstones etc**

8.14.1 Purchasers or owners of the exclusive right of burial in any cemetery other than a memorial park or plaque lawn cemetery may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300mm above the highest point in the terrain. Tombstones, headstones or other monuments may be erected thereon provided always that no such kerbing, tombstone, or other monument shall be erected unless a plan or description or both as required shall have been submitted to Council and duly approved and a permit issued therefore on payment of the relevant fee.

8.14.2 All foundations for kerbs, tombstones, headstones, monuments shall be laid to the satisfaction of Council.



- 8.14.3 Every person who encloses any plot of ground shall do all levelling required at his own cost and in accordance with the requirements of Council.
- 8.14.4 Every such person shall without delay remove all rubble and earth not required in the filling in of any grave, or in connection with levelling thereof from the cemetery to a place approved by Council.

#### **8.15 Deposit of Materials**

- 8.15.1 No person erecting or repairing any headstone, monument, fence or other work in, on, or around any grave, or constructing or repairing any vault, in any cemetery may place or deposit tools and materials for a longer time than is reasonably necessary for the purpose of completing such work.
- 8.15.2 No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or other suitable covering to protect the facilities from spillage or leakage of any material used.
- 8.15.3 Council may construct sheds or other buildings for the storage of tools, or materials used by any person for the construction, maintenance or repair of plot enhancement works, and may fix charges for the use thereof and for the supply of turf or water or any other services.
- 8.15.4 If Council provides any such shed or building, it may require any such mason or other person to remove all tools or materials either from the cemetery or into such shed or building.
- 8.15.5 If Council so requires, a deposit shall be lodged with every application for a permit to carry out any work and shall be refunded when the work has been completed to the satisfaction of Council.

#### **8.16 Keeping in Order**

- 8.16.1 All kerbs, enclosures, tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assignees.
- 8.16.2 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of Council subject to section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken and filed with the cemetery records before removal.

#### **8.17 Removal of Fences, Headstones, Plants etc**

- 8.17.1 No monumental mason or other person shall remove any headstone, monument, kerb or tablet from any cemetery or grave any without permission of Council.
- 8.17.2 No person shall, without authority, remove or take any vase, wreath, plant, flower or any other thing from any cemetery, or grave, except that Council may cause any neglected or broken material of this nature to be removed.

#### **8.18 Memorial Part (Berm or Garden Cemeteries): Erection of Memorials**

- 8.18.1 Council may construct or cause to be constructed a continuous concrete platform or berm at ground level or below ground level as required, of a width suitable to maintain stability, ranging from 650mm if underground set on solid sub-soil, to 1m if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.
- 8.18.2 Concrete based work for all memorials shall not stand higher than 450mm or as Council permits, above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 650mm and shall, where required, allow insets for flower containers.
- 8.18.3 On surface berms (or platforms), a clear space of 150mm shall be maintained, both front and back of the memorial foundation base.

- 8.18.4 No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot, or 2m in the case of a double width (family) plot.
- 8.18.5 No erected memorial shall, at the head of any plot, be higher than 450mm or such height as Council permits. Such memorial shall comply with sound engineering principles and shall be aesthetically acceptable to the controlling authority. The plans of such memorial shall be submitted to, and approved by the local authority before the erection of any such memorial be permitted.
- 8.18.6 No erected memorial shall be of any other material than granite, or similar material approved by Council. Concrete shall be finished in white cement only with no colours added.
- 8.18.7 In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.
- 8.18.8 All memorials shall be kept in good repair by the purchase of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair, may at any time be removed from the cemetery by order of Council and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with the cemetery records.

#### **8.19 Brick or Walled-in Graves**

- 8.19.1 No bricked or walled-in graves will be constructed in a berm or garden cemetery.
- 8.19.2 Statuary may be permitted within a memorial park cemetery subject to any conditions and requirements of Council.

#### **8.20 Vases or Containers**

- 8.20.1 All vases and containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by Council.

#### **8.21 Plaque Lawn Cemeteries: Structures, Plaques, Tablets and Flowers on Plots**

- 8.21.1 In any plaque lawn cemetery no person shall:
  - (a) Erect any kerb, railing, fence, building, or other structure on or around any single plot or part thereof.
  - (b) Construct or place any tombstone, headstone, monument or structure upon any plot in such manner that any part thereof shall project above the level of the ground immediately adjoining; or
  - (c) Install or place any memorial plaque, memorial tablet or other thing on any plot without the prior permission in writing of the Council, and subject to compliance with the following conditions:
    - (i) Any such memorial, tablet or memorial plaque shall consist of a permanent material as may be approved from time to time by Council.
    - (ii) Such tablet or plaque shall be of an approved size and set in any approved position in an approved manner.
    - (iii) All lettering and names of persons buried in each plot shall be placed on the one tablet or plaque.
- 8.21.2 No person shall plant anything on any plot, but during a period of 30 days following interment, or such other period as Council may approve, but any wreath or other floral tribute may be placed on a plot and shall be removed at the expiration of such period.
- 8.21.3 After expiry of 30 days or such extended period approved by Council no person shall place any floral tribute except flowers and foliage on a plot in a special receptacle of an approved type.

- 8.21.4 The special receptacle referred to above shall be installed adjoining any tablet or plaque on the side nearest the head of the plot and every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.
- 8.21.5 The sexton may remove damaged receptacles or receptacles of a type not approved by Council, and may also remove dead flowers and dead foliage at any time.

**Common Seal of Waitomo District Council:**



The Common Seal of the Waitomo District Council was hereto affixed in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive