

Mbizana, South Africa

## Cemeteries and Crematoria

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# Mbizana South Africa

## Cemeteries and Crematoria By-law, 2009

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The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 ([Act no 32 of 2000](#)), read with section 162 of the [Constitution of the Republic of South Africa, 1996](#) (Act no 108 of 1996), publishes the Mbizana Local Municipality: Cemeteries and Crematoria By-laws which have been approved by the Municipal Council.

### 1. Definitions

In these By-laws, unless the context otherwise indicates-

"**adult**" means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

"**after hour fee**" means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours save in the case of cremations or burials which because of religious belief are undertaken after such hours or in the case of burial where the mourners undertake to close the grave;

"**anatomy subject**" means a body delivered to an authorised school of anatomy in terms of the Human Tissue Act, 1983 ([Act No. 65 of 1983](#));

"**ashes**" means the cremated remains of a body;

"**berm**" means a concrete base on which a memorial is erected;

"**berm section**" means a section in a cemetery set aside by the Municipality where memorial work is erected on a berm;

"**Births and Deaths Registration Act**" means Births and Deaths Registration Act, 1992 ([Act no 51 of 1992](#));

"**body**" means any dead human body including the body of a stillborn child;

"**burial order**" means an order issued in terms of the Births and Deaths Registration Act;

"**burial**" means burial or inhumation into earth or any other form of burial and includes mausoleum and any other mode of disposal of a body;

"**cemetery**" means any land or part thereof within the local authority set aside by the Municipality or approved by Municipality as a cemetery;

"**child**" means a deceased person under the age of 12 years whose coffin does not exceed the dimensions for children referred to in [section 10](#);

"**columbarium**" means the place set-aside in the basement of the crematorium or chapel for the placement in niches of receptacles containing ashes;

"**exhumation**" means the removal of a body from its grave;

"**grave**" means any piece of land excavated for the burial of a body within a cemetery and includes the contents headstone or other marker of such place and any other structure on or associated with such place;

"**grave of conflict**" means the grave of a person who died while defending the country;

"**hero**" means a person who performed a heroic act for the Country and is given the status of a hero by Municipality;

"**heroes acre**" means an area of land set aside for the burial of a hero;

"**indigent person**" means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or Non Governmental Organization can be found to bear the burial or cremation costs of such deceased person and "pauper" bears the same meaning;

"indigent relief" means assistance received for burial or cremation of an indigent person;

"**medical officer of health**" means the officer appointed by Municipality or any other person acting in the capacity of the medical officer of health;

"**memorial section**" means a section of a cemetery set aside for erection of memorials;

"**memorial work**" means any headstone monument, or other similar work erected or intended to be erected in any cemetery commemorating a deceased person and includes a kerb demarcating a grave and a slab covering a grave;

"**Municipality**" means Mbizana Local Municipality;

"**Municipal area**" means the area under the control and jurisdiction of the Municipality;

"**Municipal Council**" means the Municipal Council of the Mbizana Local as referred to in Section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 ([Act No. 32 of 2000](#));

"**office hours**" means Monday to Friday 07h00 to 16h00 excluding Saturdays, Sundays and Public holidays;

"**Manager: Social Services**" means a person authorized by the Municipality to be in control of any cemetery;

"**prescribed**" means prescribed by the Municipality;

"**prescribed fee**" means a fee determined by the Municipality by resolution in terms of section 10G(7)(a) (ii) of the Local Government Transition Act, 1993 ([Act No. 209 of 1993](#)), or any other applicable legislation;

"**stone mason**" means a person carrying on business as a stone mason;

"**tomb**" means an above ground burial vault;

"**Victim of Conflict**" means a person defined in section 1 of the National Heritage Resources Act, 1999 ([Act No. 25 of 1999](#)).

## Chapter 1 Disposal of body

### 2. Requirements for disposal of body

A person must only bury or cremate a body in a cemetery -

- (a) with the permission of the Manager: Social Services; and
- (b) after arranging a date and time of such burial with such Manager: Social Services.

### 3. Application for burial

- (1)
  - (a) A person intending to bury a body must submit a duly completed application form to the Manager: Social Services for approval.
  - (b) The next of kin of the deceased or such other person who is authorized by the next of kin of the deceased must sign such application.
  - (c) Despite the provisions of paragraph (b) the Manager: Social Services may, if he/she is satisfied that the signature of the next of kin cannot be obtained timeously, approve an application by an interested party.
  - (d) The applicant must -
    - (i) submit the application at least three working days before the burial;
    - (ii) indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and
    - (iii) indicate the date and time for such burial.
- (2) The Manager: Social Services must approve an application if-
  - (a) it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
  - (b) a prescribed fee has been paid; and
  - (c) an application in terms of subsection (1) has been submitted.
- (3) The Manager: Social Services must, where necessary, take into account the customs of the deceased and the people responsible for the burial.

### 4. Reservation of grave

- (1) An application to reserve a grave must be made to the Manager Social Services.
- (2) A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (3) The Manager: Social Services must allocate to the applicant another grave within the cemetery, where persons other than the applicant mistakenly utilized a reserved grave; and
- (4) A grave will be reserved only upon payment of the prescribed fee.

### 5. Postponement or cancellation of burial

- (1) An applicant must give notice of postponement or cancellation of a burial in the duly completed application form to the Manager: Social Services, who must approve the application at least one working day before the burial.
- (2) In a case of a cancellation of a burial-
  - (a) a refund will not be made to the applicant for costs incurred for opening an existing grave; and
  - (b) the Municipality will only refund the applicant for costs incurred for opening a new grave.

### 6. Number of bodies in coffin

- (1) Only one body in a coffin may be allowed for burial or cremation.
- (2) Burial of more than one body in a coffin is allowed if application is made to and approved by the Manager: Social Services and the prescribed fee has been paid;

- (3) Such application may be made in respect of -
  - (a) family members who either died together or the other died before the burial of the other member;
  - (b) a mother and child who died during childbirth;
  - (c)
    - (i) two people living together as partners; or
    - (ii) unrelated deceased persons,
    - (iii) whose families have no objection; or
  - (d) remains of an anatomy subject.

## 7. Burial and subsequent burials

- (1) Burial must take place only in a grave allocated by the Manager Social Services.
- (2)
  - (a) Subject to paragraph (b) not more than two burials may be permitted in a grave;
  - (b) A third burial may be allowed only if-
    - (i) an application has been made to the Manager: Social Services and a written permission has been granted;
    - (ii) the grave has been deepened; and
    - (iii) a prescribed fee has been paid.
  - (c) A person who has been given permission for either a second or third burial must -
    - (i) give at least two days notice; and
    - (ii) at his or her own cost remove and subsequent to the burial replace all memorial work on such a grave.

## 8. Private rights

- (1) The holder of private rights includes —
  - (a) a person who purchased the grave or who received the grave as a gift from the purchaser and whose name appears in the register of the Municipality;
  - (b) a person who paid the burial tariffs in respect of the first burial in the grave;
  - (c) a person to whom private rights to a grave have been transferred;
  - (d) a person who inherited the private rights.
- (2) The Private Rights in a grave are transferable, but such transfer becomes effective on registration by the Municipality.
- (3) If there is a dispute about the holder of private rights, the dispute must be referred to the Manager: Social Services for determination.

## 9. Sizes of graves

- (1) Grave plots for adults
  - (a) single grave
    - (i) Size of plot - 2 500 × 1 500mm;
    - (ii) Size of decorations (outside dimensions) - 2 500 × 1 050 mm; and

- (iii) Width of kerb - 150 mm.
  - (b) double grave plot  
double the size of a single plot.
  - (c) family grave  
the multiple of a single plot.
- (2) The foregoing dimensions must be applicable to grave plots provided with kerbing. Where it is not erected, the width of the grave plot must be dimensioned by 30 mm
- (3) Grave plot for children-
- (a) Size of plot- 1 500 × 1 000 mm;
  - (b) Size of decorations (outside dimensions) - 1 500 × 1 000 mm;
  - (c) Width of kerb- 150 mm.
- (4) Aperture for adult graves-
- (a) Length -2 210 mm;
  - (b) Breadth at shoulders - 750 mm;
  - (c) Breadth at head - 500 mm;
  - (d) Breadth at feet - 450 mm;
  - (e) Depth not less than - 1 830 mm.
- (5) Aperture of children graves -
- (a) Length - 1 400 mm;
  - (b) Breadth at shoulders - 400 mm;
  - (c) Breadth at head - 310 mm;
  - (d) Breadth at feet - 450 mm; and
  - (e) Depth not less than - 1 500 mm.

Any person desiring an aperture of larger dimensions for any interment must, together with notice if interment, give the measurements of the coffin, including fitting.

## 10. Enlarging and deepening grave

- (1) An applicant for a burial may, by giving at least 24 hours notice before the burial, request that a grave be enlarged or deepened.
- (2) If a coffin is too big for the size of an adult grave, such grave will be enlarged to accommodate such coffin.
- (3) If a child's coffin is too large for a child's grave, it must be buried in an adult's grave, on payment of the prescribed fee.
- (4) A grave may, on application and on payment of a prescribed fee, be deepened for burial of a third coffin.

## 11. Coffins

- (1) Coffins to be placed in a grave must be made of natural wood or other perishable material except lead and metal caskets.

- (2) Coffins intended for cremation must be constructed mainly of timber or wood derivatives.

## 12. Covering of coffins

- (1) Every coffin must be covered with at least 300mm of soil immediately after burial;
- (2) There must be at least -
  - (a) 1 200mm of soil between a coffin of a buried adult and the surface of the ground; or
  - (b) 900mm of soil in the case of a coffin of a child,
- (3) The provisions of subsection (2) do not apply to the burial in a tomb.

## 13. Body bags

- (1) If there is more than one body in a coffin, each body must be contained in a separate body bag.
- (2) A body intended for burial at a cemetery or cremation in a crematorium must be sealed in a body bag inside a coffin, except if it is contrary to the tradition, customs or religious beliefs of the deceased person or the applicant.

## Chapter 2 Funerals

## 14. Religious or memorial services

A person who desires to have a religious or memorial service at a cemetery or crematorium must apply to the Manager: Social Services and pay the prescribed fee.

## 15. Control of hearses at cemetery

No person in the cemetery may -

- (a) drive a hearse or cause a hearse to be driven except on a designated road way;
- (b) park a hearse on the road way after the coffin has been removed from the hearse; or
- (c) park a hearse in such a manner that it interferes with other burials in progress.

## 16. Conveyance of coffins and bodies

- (1) An applicant in terms of [section 4](#) is responsible at own cost for ensuring that a coffin is conveyed to the cemetery for burial or to the crematorium for cremation.
- (3) No person must in any street, cemetery, crematorium or other public place convey a body in a disrespectful manner.

## 17. Instructions at cemeteries

- (1) The Manager: Social Services at the cemetery may issue instructions relating to -
  - (a) parking of vehicles;
  - (b) funeral procession; and
  - (c) duration of a service.
- (2) Every person taking part in a funeral procession at the cemetery or attending a cremation service must comply with all reasonable instructions of the Manager: Social Services.

## 18. Duration of service

No person must occupy a chapel at a cemetery for the purpose of a funeral service or cremation for more than 2 hours, without the permission of the Manager: Social Services and payment of the prescribed fee.

## 19. Hours for burial

- (a) A burial must take place only between 06h00 and 18h00.
- (b) The Manager: Social Services may, on such conditions as he/she may determine, and on payment of the prescribed fee, give permission to bury outside the stipulated hours.
- (c) If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.
- (d) If the applicant requires the Municipality to provide the service outside the stipulated hours, the Municipality may provide such service on payment of the prescribed after hours tariffs, subject to such conditions as the Manager: Social Services may determine.

## Chapter 3 Re-opening of graves and exhumations

## 20. Conditions of exhumations

- (1) No person must exhume or cause to be exhumed a body without the written consent of the -
  - (a) Premier of the Eastern Cape Provincial Government,
  - (b) the Municipality;
  - (c) provincial Department of Health;
  - (d) Administrator of cemeteries;
  - (e) Municipality's Medical Officer of Health; and
  - (f) South African Police Services.
- (4) Whenever an exhumation is to take place, the Manager: Social Services must inform the Commissioner of the South African Police Services.
- (5) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (6) An exhumation must not take place when the cemetery is open to public and must take place under the supervision of the Manager: Social Services
- (7) If remains are to be exhumed from any grave, only the undertaker under the supervision of the Manager: Social Services must cause the grave to be excavated for such exhumation:
  - (a) If a grave is to be excavated for exhumation, the Manager: Social Services must be given 48 hours written notice before the time of exhumation.
  - (b) The authority referred to in (1)(d) and the prescribed fee must accompany such notice.
- (8) A person who wishes to exhume the remains of a pauper or indigent person must pay the costs incurred by the Municipality at the time of burial, to the Administrator of Cemeteries.
- (9) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.

- (10) The South African Police Services must -
  - (a) if there is proof of illegal burial immediately exhume the body; and
  - (b) take it to a government mortuary for investigation.
- (11) A grave of victims of conflict and a grave, which is older than 60 years, must be exhumed with the permission of South African Heritage Resources Agency.
- (12) A Commonwealth War grave must be exhumed according to section 3 of the Commonwealth War Graves Act, 1992 ([Act No. 8 of 1992](#)).

## 21. Exhumation and reburial

- (1) The Municipality may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.
- (2) The relatives of the deceased must be -
  - (a) notified of the intended exhumation and re-burial, and
  - (b) allowed to attend.

## 22. Screening of exhumation

- (1) The grave from which the body is to be exhumed must be screened from view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

# Chapter 4 Care of graves

## 23. Gardening of graves and other objects on grave

- (1) The Municipality is responsible for keeping cemeteries clean unless provide otherwise.
- (2) No person must
  - (a) cut or remove plants, shrubs or flowers on a grave without the permission of the Manager: Social Services; or
  - (b) cut or remove plants, shrubs or flowers on the berm section;
- (3) A person may only erect, place or leave an object or decoration on a grave during the first 30 days following the burial.
- (4) Natural or artificial flowers contained in receptacles may be placed on a grave at any time, but in a grave within a berm section or with a headstone, such flowers may only be placed in the socket provided.
- (6) The Manager: Social Services may -
  - (a) remove all withered natural flowers, faded or damaged artificial flowers and any receptacle placed on a grave; or
  - (b) 30 days after publishing a general notice remove all objects of decoration, if it is in the public interest.
- (6) The Municipality is not liable for any loss or damage to any object on a grave unless such loss or damage is as a result of the negligence of employees of the Municipality.

## Chapter 5 Memorial section

### 24. Erection of memorial work

- (1) A person intending to erect a memorial work must make an application in the duly completed application form to the Manager: Social Services.
- (2) Such application must be made not less than five working days before the date of erection.
- (3) Memorial work may only be erected during working hours but may, with the approval of the Manager: Social Services be erected outside working hours.
- (4) No person must-
  - (a) erect memorial work or bring material into a cemetery for the purpose of erecting memorial work, without the written consent of the Manager: Social Services;
  - (b) memorial work for additional inscriptions or other alterations without the consent of the Manager: Social Services; or
  - (c) erect a memorial work on a Saturday, Sunday or a public, without the written consent of the Manager: Social Services.
- (5) The Municipality is not liable for damage to memorial work resulting from any subsiding soil.
- (6) A person erecting a memorial work must at the request of the Manager Social Services produce the written consent.
- (7) Memorial work or material to be used in the erection of such work must not be conveyed in a cemetery or crematorium in a manner that may damage the roadways, pathways, lawns, grounds or other memorials.
- (8) Any surplus material or rubble, resulting from the erection of any memorial, work must be removed by the person responsible for such erection, immediately after completion.

### 25. Inferior memorial work

The Municipality may prohibit the erection of a memorial work or may remove erected memorial work which is -

- (a) is indecent, offensive or objectionable; or
- (c) in contravention of these By-laws,  
without compensating the owner.

### 26. Inscription on memorial work

- (1) Any memorial work must display the number assigned to the grave by the Manager: Social Services, in permanent and visible markings -
  - (a) on the side of the base of the memorial work; or
  - (c) on the upper surface, in the lower left hand corner of a tablet erected on a grave in a landscape section.
- (2) The name of the maker, designer or erector of the memorial work may appear on the work and must be placed at the base of the memorial work.

## 27. Dismantling of memorial work

- (1) Only a holder of private rights or a person authorised in writing by the holder of such rights may, with the written permission of the Manager: Social Services dismantle, alter or disturb any memorial work on a grave.
- (2) Dismantled memorial work must either be removed from a cemetery or be left on the grave on which such memorial work had been erected.
- (3) The Manager: Social Services may in the case of a second or subsequent burial in such grave permit memorial work to be left elsewhere in the cemetery for a period not exceeding 30 days after such burial.
- (4) The person dismantling the work must immediately after the work is completed remove any surplus material, or rubble resulting from the dismantling of any memorial work.
- (5) If a holder of rights or person referred to in subsection (1) -
  - (a) fails to re-erect dismantled memorial work within 30 days after it was dismantled; or
  - (b) such memorial work is left within the cemetery in contravention of subsection (2),
- (6) The Municipality may give 30 days written notice to such holder of rights or person, to remove such memorial work from the cemetery with any rubble resulting there from, at his or her own expense or to re-erect such memorial work.
- (7) If any memorial work has -
  - (a) been damaged;
  - (b) become a danger to the public; or
  - (c) been erected in contravention of these By-laws,
- (8) The Municipality may give written notice to the holder or person, instructing him or her, at his or her own expense, within a period specified in the notice, to -
  - (a) alter or make such memorial work safe so that it complies with the provisions of these By-laws;
  - (b) dismantle and remove such memorial work from the cemetery together with all rubble resulting there from.
- (7) If such holder or person fails to comply with a notice in terms of subsection (5) or (6), the Municipality may -
  - (a) re-erect the memorial work;
  - (b) dismantle and dispose of the memorial work and remove any rubble resulting there from; or
  - (c) make the memorial work safe,and such holder or person will be liable for any costs incurred by the Municipality.
- (8) The Municipality may without giving any notice, or incurring any liability to the holder of rights or person -
  - (a) dismantle the memorial work and remove it and any rubble resulting there from, except memorial work classified as National Heritage; or
  - (b) make the memorial work safe,if such memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential.

- (9) After the Municipality has acted in terms of subsection (8), it must immediately, in writing, notify the holder of rights or person that, unless he or she reclaims the memorial work from the cemetery within a specified period, the Municipality will dispose of the memorial work.
- (10) Such holder of rights or person is liable for costs incurred by the Municipality.
- (11) If the holder of rights or person fails to pay the costs or to reclaim the memorial work dismantled by the Municipality, the Municipality may dispose of such memorial work in any manner it deems fit.
- (12) If any proceeds are derived from the disposal, such proceeds will be offset against the cost of the dismantling, removal, storing and disposing of memorial work and rubble resulting there from.

## 28. General requirements for memorial work

- (1) Memorial work must be constructed or made of durable material, with a life expectancy of at least 25 years with the approval of the South African Bureau of Standards approved.
- (2) Any person erecting memorial work in a cemetery or crematorium must do so with the approval of the Manager: Social Services.
- (3) A person erecting memorial work must comply with the following requirements-
  - (a) when joining any part of the memorial work to any other part of the memorial work the person must use copper or galvanized iron pins as follows:
    - (i) for memorial work up to a height of 500mm, two or more pins of at least 5mm thick and 100mm long;
    - (ii) for memorial work 501mm up to a height of 1000mm two or more pins at least 10mm thick and 200mm long; or
    - (iii) for memorial work 1001 mm and higher at least two or more pins 20mm thick and 300mm long;
  - (b) any part of memorial work, which rests on the ground, stone or foundation, must be properly secured and bedded;
  - (c) a material of uneven thickness must not be used;
  - (d) the undersides of every flat memorial work and the base of every memorial work must be sunk at least 50mm below the natural level of the ground;
  - (e) a border which is more than 225mm above the surface of the ground or more than 200mm deep must not be used without the consent of the Municipality;
  - (f) all memorial work and border stones must be securely clamped with round copper or galvanized iron clamps;
  - (g) all memorial work up to 150mm in thickness must be securely attached to the base;
  - (h) all the components of memorial work must be completed before being brought in a cemetery;
  - (i) footstones must consist of one solid piece;
  - (j) in all cases where memorial work rests on a base -
    - (i) such memorial work must have a foundation;
    - (ii) such memorial work must be set with cement mortar;
    - (iii) the bottom base of a single memorial work must not be less than 900mm long 220mm wide × 250mm thick and that of a double memorial work not less than 2286mm long × 200mm wide × 250mm thick; and

- (iv) if loose stone chips are placed on a grave, the level of such stone chips must not be higher than 10mm below the level of the surrounding kerbstones.
- (k) a kerb demarcating any grave and a slab covering are not permitted;

### 29. Requirements for memorial work in memorial section

The maximum horizontal measurements of any memorial work erected on a Grave in a memorial section must -

- (a) in the case of an adult's grave, be 2500mm in length and 1050mm in width; or
- (b) in the case of a child's grave, be 1500mm in length and 900mm in width.

## Chapter 6 Cremations

### 30. Application for cremation

- (1) A person intending to cremate must submit a duly completed application form supplied by the Manager: Social Services for approval not later than 15h00 a day before the intended date of cremation and such application must be accompanied by –
  - (a) a prescribed fee;
  - (b) a burial or removal order issued in terms of the Births and Deaths Registration Act, and
  - (c) a death certificate.
- (2) If all the above requirements are met, the Manager: Social Services must approve such application.
- (3) The cremation must only take place in a crematorium.
- (4) If the application is made in terms of subsection (1) in respect of a body of a person-
  - (a) who at the time of death was suffering from a communicable disease as defined in section 1 of the Health Act; or
  - (b) in whom at any time a pacemaker or radioactive material was inserted,the applicant must clearly indicate this fact and in the case of a body referred to in paragraph (b), whether such pacemaker or radioactive material was removed from the deceased.

### 31. Cremation times

- (1) Cremation may take place from Monday to Friday between 09h00 and 14h00.
- (2) No cremation may take place on Saturdays, Sundays and public holidays.
- (3) Despite the provisions of subsection (1), the Manager: Social Services to whom an application is made, may if he/she is satisfied that the case is one of emergency permit cremation outside cremation time on payment of prescribed fee.

### 32. Provision of receptacles

- (1) The applicant must provide a receptacle with full names of the deceased for receiving ashes, unless such ashes are to be buried by the Municipality.
- (2) (a) A receptacle, which is intended to be placed in a niche in the columbarium, must be made of wood, stone or other suitable material and must be of such a size and design as to fit readily into such niche.

- (b) An inscription plate may be affixed to such a receptacle, or the niche may be closed with a suitable marble or other plaque.

### **33. Ash collection and disposal**

- (1) After cremation the ashes must be entrusted to the care of the person who applied for the cremation, should he/she so desire if not, be kept by the owner of the crematorium.
- (2) The person collecting the ash must indicate in the duly completed application forms the quantity of ash to be retained for collection.
- (3) If there are no express arrangements for burial or safekeeping the owner of a crematorium may bury or scatter the ashes in a garden of remembrance.

### **34. Burial and exhumation of ashes**

- (1) A person who wants to bury ashes in a grave, exhume ashes from a grave or scatter ashes must make an application to the Manager: Social Services.
- (2) The Manager: Social Services must, on payment of prescribed fee give written permission to the applicant for burial or exhumation or scattering of ashes, and prepare such grave for burial or exhumation of ashes.
- (3) An ash grave in a crematorium section or wall of remembrance must measure 610mm in length and 610mm in width.

### **35. Use of niches and spaces, affixing of memorial**

- (1) Ashes may be deposited in a columbarium or garden of remembrance if an application accompanied by a prescribed fee is made to the Manager: Social Services and if the Manager: Social Services gives written permission.
- (2) A niche or a space abutting on a path in a garden of remembrance or a niche or a space in a memorial wall, must not be used for storing ashes or for affixing memorial work, without the consent of the Manager: Social Services and payment of the prescribed fee.
- (3) Identity plaques must be made of material approved by the Director of Parks and affixed simultaneously with the placing of the ashes.
- (4) Ashes and plaques may be removed with the consent of the Director of Parks in charge.
- (5) Flower holders may be affixed to the plaque only with the consent of the Manager: Social Services.

### **36. Memorial work in crematoria**

- (1) A person may erect a memorial work in a crematorium in remembrance of the deceased if-
  - (a) the deceased was cremated at that crematorium in terms of 38; or
  - (b) he or she presents a cremation certificate from another crematorium
- (2) Memorial work erected in a garden of remembrance must be made of marble, granite or other suitable material and measure either 230mm by 150mm by 25mm thick, or 250mm by 305mm by 25mm thick, as arranged with the Manager: Social Services, if it is intended -
  - (a) to be placed on a space on a memorial wall or on a space encroaching on a path in a garden of remembrance;
  - (b) to seal a niche, be of the same material and size as to conform with the memorial work next to it and have no items affixed to it except the lettering or photo of the deceased; or
  - (c) for erection on a grave, not exceed 610mm in length, 610mm in width and 1,2m in height.

- (3) Memorial work must only be removed from or affixed to a memorial wall or to a space abutting on a path in the garden of remembrance with the written consent of the Manager: Social Services.

### **37. Duplicate cremation certificates**

A person may obtain a duplicate cremation certificate on application and on payment of a prescribed fee to the Manager: Social Services.

## **Chapter 7 Paupers and indigent persons**

### **38. Paupers' and indigent burials**

- (1) A person making an application for an indigent or pauper's burial must make a declaration to that effect.
- (2) A pauper or an indigent person may be buried or cremated according to the conditions determined by the Municipality.
- (3) If a pauper or an indigent person is cremated the ashes must be retained by the Municipality for a period not exceeding 12 months.
- (4) If ashes are not claimed within the period of 12 months will be buried in an ash grave.

## **Chapter 8 General**

### **39. Prohibited acts**

- (1) No person -
  - (a) under the age of 16 years must enter any cemetery or crematorium only when accompanied by an adult or with the consent of the Manager: Social Services;
  - (b) must enter or leave any cemetery or crematorium, except by the gateway provided; or
  - (c) must enter any office or enclosed place in a cemetery or crematorium, where entry is prohibited without the consent of the Manager: Social Services, which may be given only when such person is attending business connected with such cemetery or crematorium.
- (2) No person must, within any cemetery or crematorium -
  - (a) interfere with any fountain, statue, monument, equipment, fence, grave or Municipality property;
  - (b) pick, damage, deface or destroy any flower, plant or seed;
  - (c) damage, deface or remove any memorial work, grave, building, fence or fixtures;
  - (d) throw litter outside containers provided by the Municipality for that purpose;
  - (e) sit, stand, walk, climb, draw or write on any grave or memorial work;
  - (f) swim, bath or wash himself him or herself or any animal in a pond, fountain, artificial watercourse, dam or stream;
  - (g) reside in a cemetery or, without the written consent of the Manager: Social Services, build any structure or encroach on any land;

- (h) capture, chase, shoot at or interfere with any fish, bird or animal except where licensed to do so, or lake, touch or damage birds' eggs or nests;
- (i) light any fire or bum any object unless there is a special provision made by the Municipality;
- (j) drive, ride or park any vehicle, bicycle, tricycle or push-cart, wear roller blades or draw or propel any vehicle, except in the places and at the times referred to in these By-laws;
- (k) drive or ride any vehicle, except in the places referred to in paragraph (j) at a speed exceeding 15 km per hour;
- (l) carry on or solicit business, hold any demonstration or perform an activity which is not normally associated with a cemetery or crematorium;
- (m) cause a nuisance or commit any offensive or indecent act;
- (n) play any game except in designated areas;
- (o) use a facility provided for the opposite sex;
- (p) brew, sell or drink alcohol or abuse drugs;
- (q) play any musical instrument without the written consent of the Manager: Social Services;
- (r) deliver a public speech except for a funeral service or cremation, without the written consent of the Manager: Social Services,
- (s) do anything which may endanger or cause disturbance to any person;
- (t) hold organized functions, advertise, dig any hole, trench or place any tent, caravan, booth screen, stand or any construction or obstruction, without the written consent of the Manager: Social Services;
- (u) undertake any community or voluntary work, without the written consent of the Manager: Social Services
- (v) make any film, without the written consent of the Manager: Social Services, and payment of the prescribed fee;
- (w) remain between sunset and sunrise without the written consent of the Manager: Social Services;
- (x) bring or allow an animal, except a guide dog, without the consent of the Manager: Social Services;

*[Page 40 of the original gazette ends with this text; a new by-law starts on page 41. The rest of section 39 as well as sections 40 (Penalty clause), 41 (Repeal of By-laws) and 42 (Short title and commencement), according to the 'Index' in the gazette, thus appear to be missing from the original.]*