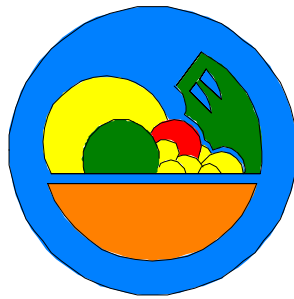




CEMETERY BY-LAW

v June 2004



Greater Tzaneen
Municipality

TABLE OF CONTENTS

BY LAW	5
CHAPTER 1	5
1. DEFINITIONS	5
CHAPTER 2	7
INTRODUCTORY	7
2. DISPOSAL OF A BODY	7
CHAPTER 3	8
INTERMENTS	8
3. PERMISSION TO INTER.....	8
4. APPLICATION FOR INTERMENT.....	9
5. INTERMENT ONLY IN ALLOCATED GRAVE.....	9
6. DIMENSIONS OF GRAVES	10
7. ENLARGEMENT OF EXCAVATION.....	10
8. COVERING OF COFFINS	11
9. CONSTRUCTION OF COFFINS.....	11
CHAPTER 4	11
FUNERALS	11
10. RELIGIOUS OR MEMORIAL SERVICES	11
11. CONVEYANCE OF BODIES	12
12. CONVEYANCE OF COFFINS.....	12
13. COMPLIANCE WITH DIRECTIONS AT FUNERALS	12
14. DURATION OF SERVICES	12
15. FUNERAL HOURS.....	12
CHAPTER 5	13
MEMORIAL WALL	13
16. USE OF NICHES AND AFFIXING OF MEMORIAL WORK	13
17. MEMORIAL WORK ON MEMORIAL WALL	13
18. REMOVAL OF ASHES.....	14
CHAPTER 6	14
PUBLIC AND PRIVATE GRAVES	14
19. CONVERSION OF PUBLIC GRAVE TO PRIVATE GRAVE	14
20. TRANSFER OR DISPOSAL OF RIGHTS	14
21. SUBSEQUENT INTERMENT	15
CHAPTER 7	16
CEMETERY MATTERS	16
22. CLOSING	16
23. NUMBER OF VEHICLES	16
24. ENTRANCES AND EXITS	16
25. CEMETERY HOURS	16
26. CHILDREN	17
27. DISTURBANCE OF SOIL OR PLANTS.....	17
28. WANTON DESTRUCTION OF PROPERTY AND PROHIBITED ACTIONS	17
29. UNSEEMLY ACTS FORBIDDEN.....	18
30. ANIMALS IN CEMETERY	18

31.	EXERCISE OF CONTROL BY THE OFFICER-IN-CHARGE	18
32.	VEHICLES IN THE CEMETERY	18
33.	DEMONSTRATIONS	18
34.	OBSTRUCTION OF WORKMEN	19
35.	DISTRIBUTION OF TRACTS OR ADVERTISEMENTS	19
36.	SITTING OR CLIMBING UPON MEMORIALS	19
37.	COMPLAINTS	19
38.	CHARGES	19
39.	SIGNATURE OF NOTICES	19
CHAPTER 8		20
REOPENING OF GRAVES AND EXHUMATIONS		20
40.	CONDITIONS OF EXHUMATION	20
41.	RE-INTERMENT BY THE COUNCIL	20
CHAPTER 9		21
CARE OF GRAVES		21
42.	GARDENING OF GRAVES AND OBJECTS ON GRAVES	21
CHAPTER 10		21
MEMORIAL WORK		21
43.	ERECTION OR RE-ERECTION OF MEMORIAL WORK	22
44.	INFERIOR MEMORIAL WORK	23
45.	INSCRIPTIONS ON MEMORIAL WORK	23
46.	DISMANTLING OF MEMORIAL WORK	23
47.	GENERAL REQUIREMENTS FOR MEMORIAL WORK	26
48.	REQUIREMENTS FOR MEMORIAL WORK IN LAWN SECTION	26
49.	REQUIREMENTS FOR MEMORIAL WORK IN MEMORIAL SECTION	28
50.	REQUIREMENTS FOR MEMORIAL WORK IN LANDSCAPE SECTION	28
51.	SUPERVISION OF WORK	29
CHAPTER 11		29
TRIBAL AND VILLAGE CEMETRIES		29
52.	APPLICATION	29
(1) A TRIBAL AUTHORITY OR RURAL VILLAGE COMMUNITY MAY APPLY IN WRITING TO THE COUNCIL TO ESTABLISH A CEMETERY AT A PLACE ACCESSIBLE TO SUCH TRIBE OR VILLAGE COMMUNITY		29
(2) AN APPLICATION REFERRED TO IN SUBSECTION (1) MUST:		29
(A) INDICATE THE AREA, TRIBE OR COMMUNITY WHICH WILL MAKE USE OF THE CEMETERY;		29
(B) THE NAME OF THE TRIBAL AUTHORITY OR NAME OF THE RURAL VILLAGE WHO MAKES THE APPLICATION;		29
(C) THE NAME OF THE TRIBAL CHIEF OR REPRESENTATIVE OF THE VILLAGE COMMUNITY;		29
(D) WHETHER A GRAVEYARD ALREADY EXIST AT THE PLACE FOR WHICH APPLICATION IS MADE; AND		29
(E) BE SIGNED BY THE TRIBAL CHIEF OR REPRESENTATIVE MEANT IN (C) ABOVE		29
(3) THE COUNCIL MAY REQUIRE SUCH FURTHER INFORMATION AS IT MAY SEEM NECESSARY TO BE SUPPLIED TOGETHER WITH THE APPLICATION IN SUBSECTION (1).		29

53.	LOCATION.....	30
(1)	THE COUNCIL WILL DECIDE ON THE SITE FOR A TRIBAL OR RURAL VILLAGE CEMETERY, HAVING REGARD TO:.....	30
(A)	THE WISHES OF THE TRIBAL AUTHORITY OR VILLAGE COMMUNITY;.....	30
(B)	ANY EXISTING GRAVEYARD;.....	30
(C)	SPATIAL DEVELOPMENT OF THE AREA;.....	30
(D)	THE ACCESSIBILITY OF A CEMETERY SITE;.....	30
(E)	THE ENVIRONMENT; AND.....	30
(F)	HEALTH REQUIREMENTS.....	30
(2)	THE COUNCIL MUST COMMISSION AN ENVIRONMENTAL IMPACT STUDY PRIOR TO THE APPROVAL OF ANY CEMETERY SITE IN TERMS OF THIS CHAPTER.....	30
54.	APPROVAL.....	30
(1)	NO PERSON MAY INTER ANY DECEASED PERSON IN A GRAVE NOT SITUATED IN A CEMETERY APPROVED BY THE COUNCIL.....	30
(2)	THE APPROVAL OF A CEMETERY IN TERMS OF THIS CHAPTER WILL BE IN WRITING AND SUBJECT TO SUCH CONDITIONS AS THE COUNCIL MAY DETERMINE, INCLUDING BUT NOT LIMITED TO:	30
(A)	THE LAYOUT OF GRAVE SITES;.....	30
(B)	THE RESPONSIBILITY AND STANDARD OF MAINTENANCE OF THE CEMETERY, GRAVE SITES AND TOMBSTONES IN THE CEMETERY BY THE TRIBAL AUTHORITY OR VILLAGE COMMUNITY;	30
(C)	THE FENCING AND MAINTENANCE OF SUCH FENCE BY THE TRIBAL AUTHORITY OR VILLAGE COMMUNITY; AND.....	31
(D)	MEASURES TO MAKE SAFE OPEN GRAVES.	31
55.	OWNERSHIP.....	31
(1)	THE TRIBAL AUTHORITY OR VILLAGE COMMUNITY MUST SUBMIT, TOGETHER WITH THE APPLICATION MEANT IN SECTION 51 (1), PROOF OF OWNERSHIP OF THE LAND UPON WHICH A CEMETERY IS TO BE ESTABLISH OR FOR ANY OTHER SITE THE COUNCIL MAY IDENTIFY AS SUITABLE FOR A TRIBAL OR VILLAGE COMMUNITY CEMETERY, TOGETHER WITH WRITTEN PERMISSION BY THE OWNER OF SUCH LAND FOR THE ESTABLISHMENT OF A CEMETERY ON SUCH LAND.	31
(2)	THE OWNER OF THE LAND MEANT IN SUBSECTION (1) MUST GIVE PERMISSION, AUTHORIZE AND DO ALL SUCH THINGS AS MAY BE REQUIRED BY COUNCIL AT ANY TIME, TO REGISTER AN APPROPRIATE PUBLIC SERVITUDE OVER THE LAND ON WHICH A CEMETERY IS APPROVED.....	31
56.	GRAVES.....	31
(1)	A GRAVE IN A CEMETERY MEANT IN THIS CHAPTER MAY ONLY BE DUG BY A PERSON OR PERSONS AUTHORIZED THERETO BY THE COUNCIL AND SUBJECT TO SUCH SAFETY MEASURES AS THE COUNCIL MAY REQUIRE.....	31

(2) THE COST OF DIGGING A GRAVE REFERRED TO IN SUBSECTION (1) WILL BE DETERMINED BY COUNCIL IN TERMS OF IT'S TARIFF OF CHARGES.	31
(3) SECTIONS 3, 4 AND 5 OF THIS BY-LAW, WILL WITH THE NECESSARY CHANGES, BE APPLICABLE TO AN INTERMENT IN TERMS OF THIS CHAPTER, SUBJECT THERETO THAT THE COUNCIL MAY APPOINT A MEMBER OF THE TRIBE OR VILLAGE COMMUNITY TO PERFORM THE FUNCTIONS OF THE OFFICER-IN-CHARGE IN RELATION TO SUCH INTERMENTS.	31
(4) SECTIONS 6 AND 7 OF THIS BY-LAW WILL APPLY TO GRAVES DUG IN TERMS OF THIS CHAPTER, SUBJECT THERETO THAT THE PERSON APPOINTED IN TERMS OF SUBSECTION (3) MAY APPROVE IN WRITING A CHANGE IN THE DIMENSIONS OF A GRAVE WHERE REQUIRED BY RELIGIONS OR CUSTOMARY PRACTICE, FURTHER SUBJECT THERETO THAT THERE SHALL AT LEAST BE 1 200MM OF SOIL BETWEEN THE COFFIN OR DECEASED PERSON AND THE SURFACE GROUND.....	32
57. TARIFF OF CHARGES	32
THE COUNCIL MAY DETERMINE TARIFF OF CHARGES FOR THE INTERMENT OF A DECEASED PERSON IN A GRAVE MEANT IN THIS CHAPTER.	32
58. WITHDRAWAL OF APPROVAL	32
THE COUNCIL MAY AT ANY TIME WITHDRAW ITS APPROVAL IN REGARD TO A CEMETERY ESTABLISHED IN TERMS OF THIS CHAPTER, IN WHICH CASE SUCH CEMETERY WILL FROM THE DATE OF SUCH WITHDRAWAL BE DEEMED TO BE A CEMETERY OF THE COUNCIL MEANT IN SECTION 2 (1).....	32
CHAPTER 12	32
GENERAL	32
59. PROHIBITED ACTS.....	32
60. LIABILITY OF COUNCIL IN RESPECT OF INJURY OR DAMAGE	34
61. PAUPER BURIAL	34
62. CHARGES.....	34
63. OFFENCES AND PENALTIES	34
64. CEMETERY BY-LAWS.....	35
SCHEDULE 1	36
APPLICATION FOR BURIAL OF DECEASED PERSON	36
SCHEDULE 2.....	39
APPLICATION FOR PUBLIC GRAVE TO PRIVATE GRAVE.....	39
SCHEDULE 3.....	41
APPLICATION TO ERECT MEMORIAL WORK.....	41

BY LAW

To provide for the management of cemeteries; the setting out of graves and memorial walls; the interment of deceased persons therein; public and private graves; maintaining order in cemeteries; and to provide for further matters incidental thereto.

CHAPTER 1

1. Definitions

1.1 In these by-laws, unless the context otherwise indicates –

“**adult**” means a deceased person over the age of 12 years;

“**anatomy subject**” means a body delivered to an authorized school of anatomy in terms of the Anatomy Act, 1959 (Act 20 of 1959);

“ashes” means the cremated remains of a body;

“**berm**” means a concrete base laid by the Council at the head of any grave, in a landscape section or a lawn section;

“**body**” means the remains of any deceased person;

“**cemetery**” means any land or part thereof within the municipality duly set aside by the Council as cemetery;

“**child**” means a deceased person, under the age of 12 years, and includes a still borne baby;

“**Council**” means the Council of the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“**holder of private rights**” means any person who has become entitled to the exclusive right to inter in a grave in terms of section 20;

“**landscape section**” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 50;

“**lawn section**” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 48;

“**memorial section**” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 49;

“**memorial wall**” means a wall provided with niches for the placement of containers of ashes, inscribed tablets or memorial plaques commemorating a deceased person who have been cremated;

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

“**municipality**” means the municipal area for the Greater Tzaneen Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, no 27 of 1998;

“**niche**” means a space in the memorial wall intended for the placing of a container for the storage of ashes;

“**non-resident**” means any deceased person who was not a resident;

“**officer-in-charge**” means a person authorized by the Council to be in control of any cemetery;

“**public grave**” means any grave in a cemetery which is not a private grave;

“**private grave**” means a grave in respect of which the exclusive right to inter therein has been acquired in terms of these by-laws;

“**private rights**” means the exclusive right to inter which has been granted in terms of section 20 of these by-laws;

“**registrar of deaths**” means any person appointed as registrar or assistant registrar of deaths in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963);

“**regulation**” means a regulation published in terms of the Ordinance;

“**resident**” means any person, who at the date of his death, or who for at least six months immediately prior to such date ordinarily resided in the municipality;

“**tariff of charges**” means any charges determined by the Council in terms of section 10G (7) of the Local Government Transition Act, no 209 of 1993.

CHAPTER 2 INTRODUCTORY

2. Disposal of a Body

- (1) The Council may from time-to-time set apart any ground as a cemetery.
- (2) No person may save with the prior written consent of the Council, dispose of or attempt to dispose of a body, other than by interment in a

cemetery, but excludes cremation in a crematorium approved in terms of the Crematorium Ordinance, 1965.

- (3) The council may, upon request from a group of persons or persons representative of such group, determine a separate burial area within a cemetery for deceased persons who belonged to such group, based on the religion or customs of such group, provided that such determination may not unfairly discriminate against any other group or person.

CHAPTER 3 INTERMENTS

3. Permission to Inter

- (1) No person may inter a body in any cemetery or cause it to be so interred without the permission of the officer-in-charge or without arranging a date and time for the interment with such officer.
- (2) Such permission will not be granted unless –
 - (a) a burial order in terms of Births, Marriages and Deaths Registration Act, 1963, has been issued and produced to the officer-in-charge;
 - (b) all applicable charges prescribed have been paid: and
 - (c) an application in terms of section 4 has been submitted.
- (3) In all cases of death which have been the subject of an inquest, a Magistrate's warrant must be submitted to the officer-in-charge, prior to interment.

- (4) In considering the granting or refusal of the permission referred to in subsection (1), the officer-in-charge will have regard to the customs of the people making use of the cemetery.

4. Application for Interment

- (1) Any person desiring to have a body interred must in accordance with the provisions of subsections (2) and (3), submit to the officer-in-charge an application completed in the form set out in Schedule 1 to these by-laws, signed by the nearest surviving relative of the deceased person or person authorized by such relative, or if the officer-in-charge is satisfied that the signature of such relative or person authorized cannot, having regard to all the circumstances, be obtained timeously, any other person who satisfies the officer-in-charge as to his identity and interest in the interment concerned.
- (2) Every application for interment must be submitted at least twelve working hours before such interment, unless the officer-in-charge consent upon reasons forwarded, a lesser period.
- (3) Notice of any postponement or cancellation of any interment will be given to the officer-in-charge not later than one hour before the interment was to have taken place.

5. Interment Only in Allocated Grave

- (1) Subject to the provisions of these by-laws, an interment may only take place in a grave allotted by the officer-in-charge.
- (2) A register of all graves must be kept by the officer-in-charge together with a plan showing the position and number of each allotment, together with the full names of the deceased interred in each grave.

6. Dimensions of graves

Subject to the provisions of section 7, the standard dimensions of the aperture for graves will be –

(a) an adult's grave will –

- (a) measure 2 600mm in length and 1 500mm in width at surface level; and
- (b) have an excavation of 2 300mm in length, 2 400mm in depth and 850mm in width;

(2) a child's grave will –

- (a) measure 1 500mm in length and 1 000mm in width, at surface level; and
- (b) have an excavation of 1 400mm in length, 1 500mm in depth and 600mm in width;

7. Enlargement of Excavation

- (1) Notwithstanding the provisions of section 6, if a coffin is too large to be accommodated within the excavation of an adult's grave or for the purpose of subsection (3), such excavation may be enlarged to a size which will accommodate such coffin, or for the purpose of subsection (3).
- (2) If the excavation of a grave is to be enlarged, or deepened as contemplated in subsection (1), the officer-in-charge must be notified accordingly, not later than noon on the day before the interment, excluding any Saturday, Sunday and public holiday, and such notice must be accompanied by payment of the appropriate charge prescribed.

- (3) An excavation may be enlarged on its vertical sides by not more than 200mm per side, for the purpose of constructing an enclosure within the excavation with clay brick walls, which walls may not be less than 200mm from the surface elevation of the excavation and may only be constructed by a building contractor approved by the Council. The responsibility for safety obligations will rest with the family or the building contractor approved by the family.

8. Covering of Coffins

- (1) There must be at least 1 200mm of soil between any adult's coffin and the surface of the ground, and at least 900mm of soil in the case of a child's coffin.
- (2) At least 300mm of soil must be placed over any coffin immediately after interment.

9. Construction of coffins

A coffin intended to be placed in a grave must be constructed of natural timber or any other decomposable material approved by the officer-in-charge.

CHAPTER 4 FUNERALS

10. Religious or Memorial Services

- (1) Subject to the directions of the officer-in-charge, a religious ceremony or memorial service may be conducted in any cemetery.
- (2) No person may within any cemetery, drive a hearse or cause any hearse to be driven elsewhere than on a roadway, or leave or detain any hearse in such roadway after removal of the coffin from such hearse.

11. Conveyance of Bodies

- (1) No person may in any street, cemetery or public place –
 - (a) convey a body in an unseemly manner;
 - (b) expose any part of such body;
 - (c) remove any lid or slide of a coffin in which a body has been placed.
- (2) Subsection (1) does not apply to a body which lies-in-state in a room set apart for this purpose and to which only persons in mourning may be allowed or to open a slide above the face of the deceased at a religious or memorial service.

12. Conveyance of Coffins

A person who in terms of these by-laws applies to have a body interred will be responsible for ensuring that the coffin is conveyed to the grave.

13. Compliance with Directions at Funerals

Any person taking part in a funeral, procession or ceremony within any cemetery must comply with any reasonable direction of the officer-in-charge.

14. Duration of Services

No person may occupy for more than 60 minutes any grave site or chapel in a cemetery for the purpose of a service or ceremony without the consent of the officer-in-charge.

15. Funeral Hours

- (1) No funeral may take place before 09h00 or after 16h30, unless with the written approval of the officer-in-charge and subject to such conditions as such officer may determine.
- (2) The Council will determine a charge for the conduct of a funeral outside the hours referred to in subsection (1).

CHAPTER 5 MEMORIAL WALL

16. Use of Niches and Affixing of Memorial Work

No niche or space in a memorial wall may be used for the storage of ashes or for affixing a memorial work without the prior consent of the officer-in-charge and without payment of the applicable charges.

17. Memorial Work on Memorial Wall

- (1) A memorial plaque may be affixed to the allotted niche in the memorial wall, in remembrance of the deceased.
- (2) Such memorial work must conform to the following requirements:
 - (a) Memorial work intended to be placed in a niche on a memorial wall shall be made of polished marble, granite or other durable natural material and measure not more than 145mm x 220mm x 200mm, and
 - (b) The niche must be sealed with a memorial plaque made of such material as to conform with adjacent memorial work.

- (3) No memorial work may be removed from or re-affixed to a memorial wall without the prior consent of the officer-in-charge and without the payment of the applicable prescribed charges.

18. Removal of Ashes

- (1) No person may remove any ashes from a niche without the prior written permission of the Council and without complying with any conditions prescribed by the Council.
- (2) Application for the removal of ashes must be made at least 30 days prior to the removal date and shall be accompanied by the applicable prescribed charges.

CHAPTER 6 PUBLIC AND PRIVATE GRAVES

19. Conversion of Public Grave to Private Grave

- (1) Subject to the provision of this section, the Council may on submission to the officer-in-charge of an application completed in the form set out in Schedule 2 to these by-laws and on payment of the appropriate charge prescribed, grant to an applicant the exclusive future right to inter in any public grave and such grave shall thereupon become a private grave.
- (2) The officer-in-charge must enter in a register kept for this purpose, the name of the person having the right to inter in such private grave, together with the grave number to which the right relates.
- (3) The holder of private rights may indicate a person on the application form, Schedule 2, which person shall upon the death or incapacity of the holder of private rights, substitute such holder.

20. Transfer or Disposal of Rights

- (1) Any holder of private rights may in writing transfer his or her rights in respect of a private grave to any person, provided that no such transfer shall be valid unless –
 - (a) a copy of the document effecting the transfer has been furnished to the officer-in-charge; and
 - (b) the appropriate charge prescribed, has been paid.
- (2) If the Council is satisfied on good reason, that the holder of private rights or the person meant in section 19 (3), will not exercise the right to inter in a private unused grave, the Council may convert such private grave into a public grave.

21. Subsequent Interment

- (1) Not more than two interments may be made in any private grave: Provided that a third interment may be made in such grave with the consent of the officer-in-charge if the grave has been deepened as contemplated in section 7.
- (2) Any holder of private rights desiring to have a body interred in a private grave as a second or third interment in such grave shall apply to officer-in-charge on the Application Form Schedule 1 and -
 - (a) remove all memorial work on such grave at his own expense and comply with any requirement of the officer-in-charge in respect of such removal;
 - (b) after compliance with paragraph (a), give at least 24 hours' written notice to the officer-in-charge of such interment, which period will be calculated exclusive of any Saturday, Sunday and public holiday.

- (3) The notice referred to in subsection (2) shall be accompanied by written proof of the title of the holder of private rights to the grave concerned and by the appropriate charges prescribed.

CHAPTER 7 CEMETERY MATTERS

22. Closing

The officer-in-charge may at any time close a cemetery in the interest of the health and/or safety of any person or persons, for such time as may be necessary.

23. Number of Vehicles

The officer-in-charge may refuse entry or further entry of vehicles if the number of vehicles in a cemetery will cause a disturbance or traffic congestion.

24. Entrances and Exits

No person may enter or leave any cemetery except by the gates provided for that purpose, nor enter any office or enclosed place in any cemetery except on business.

25. Cemetery Hours

(1) Every cemetery will be open during the following hours:

- Weekdays and Saturdays: From 08h00 to 17h00
- Sundays: From 9h00 to 17h00

- (2) Subject to the provisions of section 23, no person may remain in any cemetery after the closing time
- (3) The Council has the power to close to the public any cemetery or portion thereof for such periods as the Council may deem fit.

26. Children

No person under 12 years of age may enter any cemetery unless such person is under the care of a person older than 18 years of age.

27. Disturbance of Soil or Plants

No person may plant any trees, shrubs, plants or grass within any cemetery without the permission of the Council, and no person may disturb the soil or destroy, damage or disturb any tree, shrub, plant or grass within a cemetery except where it is expressly permitted by these by-laws.

28. Wanton Destruction of Property and Prohibited Actions

- (1) No person may –
 - (a) wantonly or negligently destroy or cause to be done any damage to any monument, vault, tombstone, building, path, railing or fence or other fixture or facility within or of a cemetery;
 - (b) daub or disfigure any wall or fence of a cemetery;
 - (c) put up any bill or placard therein or on any wall or fence thereof;
 - (d) play any game or sport therein;
 - (e) discharge any firearms (unless at a military funeral), air gun or catapult therein;

- (f) wantonly disturb, or annoy any person or persons assembled therein for the purpose of a burial.

29. Unseemly Acts Forbidden

No person may create any disturbance or commit any unseemly or indecent act in a cemetery.

30. Animals in Cemetery

No person may bring or allow any dog or other animal to wander inside a cemetery.

31. Exercise of Control by the Officer-in-Charge

Undertakers and all persons working in a cemetery, taking part in any funeral or visiting a cemetery, will be subject to the control of the officer-in-charge. No person may disobey, resist or obstruct the officer-in-charge during the performance of his or her duties.

32. Vehicles in the Cemetery

- (1) No vehicles may deviate from the existing roads in the cemetery.
- (2) The driver of a motor vehicle shall at any time, when requested to do so by the officer-in-charge, give an acceptable explanation for his presence in the cemetery.
- (3) No person may use a road or walk within a cemetery for the conveyance of any goods, parcels or other materials, except such as are intended for use in such cemetery.

33. Demonstrations

No persons may hold or take part in any demonstration in a cemetery without the consent of the Council.

34. Obstruction of Workmen

No person may interrupt or obstruct the work of any workman, contractor or employee of the Council in a cemetery.

35. Distribution of Tracts or Advertisements

No person may solicit any business or exhibit, distribute or leave any tract, business card or advertisement within a cemetery.

36. Sitting or Climbing upon memorials

No person may sit, stand, walk or climb upon or over any memorial work, grave, gate, wall, fence, building or structure in a cemetery.

37. Complaints

Any person wishing to lodge a complaint must submit such complaint in writing to the Council.

38. Charges

The prescribed charges must be paid in advance to the Council.

39. Signature of notices

Any written permission, notice or other document issued by the Council under these by-laws will be signed by the Secretary or by an employee of the Council duly authorized thereto.

CHAPTER 8

REOPENING OF GRAVES AND EXHUMATIONS

40. Conditions of Exhumation

- (1) No person may –
 - (a) exhume or cause to be exhumed any body without the prior written consent of the Council and the approval of the Premier of the Limpopo Province in terms of the Removal of Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925);
 - (b) exhume or cause to be exhumed any body during any period when the cemetery is open to the public.
- (2) If remains are to be exhumed from any grave, the officer-in-charge may cause the grave to be excavated for such exhumation but may not, except as provided by section 44, remove any body from the grave.
- (3) If a grave is required to be excavated for exhumation, the officer-in-charge must be given at least 48 hours written notice of the proposed exhumation and such notice shall be accompanied by the appropriate charge prescribed.
- (4) The grave from which any body is to be exhumed must be effectively screened from view during the exhumation, and a suitable receptacle for the body shall be provided by the person carrying out such exhumation.
- (5) The person carrying out such exhumation must ensure that the body and grave are properly disinfected and deodorized.

41. Re-interment by the Council

If, in the opinion of the Council, the exhumation of any body is advisable or necessary, or if a body has been interred in a grave in contravention of these by-laws, the Council may, subject to the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925, cause such body to be exhumed and re-interred in another grave: Provided that whenever possible the nearest known relative of the deceased person shall be notified in writing of the intended re-interment and such relative shall be entitled to attend such re-interment.

CHAPTER 9 CARE OF GRAVES

42. Gardening of Graves and Objects on Graves

- (1) No person other than the council may garden any grave.
- (2) No person may erect, place or leave upon a grave any object or decoration, except during the first twenty-eight days following the interment therein.
- (3) Notwithstanding the provisions of paragraph (a), natural or artificial flowers and the receptacles in which they are contained may be placed on a grave: Provided that on a grave with a berm, natural or artificial flowers may only be placed in a receptacle placed in the socket provided in the berm or headstone.
- (4) The officer-in-charge or any member of his staff may remove natural or artificial flowers and any receptacle placed on a grave, when they become withered, faded or damaged.

CHAPTER 10 MEMORIAL WORK

43. Erection or Re-erection of Memorial Work

- (1) No person may erect any memorial work unless a plan of and dimensions of such memorial work has been approved by and the written consent of the officer-in-charge obtained.
- (2) Application for consent in terms of subsection (1) must be made at least five working days before the proposed date of the erection to the officer-in-charge in the form set out in Schedule 3 to these by-laws and shall be accompanied by the appropriate charge.
- (3) If memorial work is removed for additional inscriptions or other alterations thereto, the provisions of subsection (1) shall mutatis mutandis apply.
- (4) Save with the permission of the officer-in-charge, no work on any memorial work may be performed on a Saturday, Sunday or public holiday, or at any time between the hours 17h00 and 09h00.
- (5) No person may erect or re-erect any memorial work at any time when the ground upon which such memorial work is to be erected or re-erected is, in the opinion of the officer-in-charge, in an unsuitable condition.
- (6) The person in charge of the erection or re-erection of any memorial work must produce the written consent referred to in subsection (1), at the request of the officer-in-charge.
- (7) No memorial work or material for use in connection therewith may be conveyed in any cemetery in such manner as may damage the paths or grounds.

- (8) Any surplus material, rubbish or rubble resulting from the erection or re-erection of any memorial work, shall be removed forthwith by the person responsible for such erection.

44. Inferior Memorial Work

- (1) The Council may prohibit the erection or re-erection of any proposed memorial work which in its opinion is of inferior workmanship or quality or which is in any way likely to disfigure any cemetery.
- (2) The Council may remove and/or prohibit any memorial work which in its discretion, is or may become unsightly, broken, dangerous, vandalized or disseminate.

45. Inscriptions on Memorial Work

- (1) Any memorial work shall, when erected, display the number assigned to the grave concerned by the officer-in-charge, in permanent and visible markings on the side of the base of the memorial work, or in the case of a tablet erected on any grave in a landscape section, on the upper surface in the lower left hand corner of such table.
- (2) The only particulars of the maker of memorial work which may appear thereon will be his name, which shall be placed at the base of the memorial work.

46. Dismantling of Memorial Work

- (1) Subject to the provisions of this section, no person other than the holder of private rights or a person authorized in writing by such holder shall dismantle, alter or disturb any memorial work on a grave and such holder or person shall only do so with the prior permission of the officer-in charge.

- (2) Dismantled memorial work may not be left in any part of the cemetery except on the grave on which such memorial work had been erected: Provided that the officer-in-charge may in the case of a second or subsequent interment in such grave permit such memorial work to be left elsewhere in the cemetery for a period not exceeding thirty (30) days after such interment.
- (3) If a holder or person referred to in subsection (1), fails to re-erect dismantled memorial work within six months after it has been dismantled or if such memorial work is left within the cemetery in contravention of subsection (2), the Council may give 30 days' written notice to such holder or person requiring him or her at his own expense to re-erect such memorial work or to remove such memorial work from the cemetery together with all rubble connected therewith.
- (4) If, in the opinion of the Council, any memorial work has become a danger to the public or has been erected in contravention of these by-laws, or has become damaged, the Council may give written notice to the holder or person referred to in subsection (1), requiring him at his own expense, to render such memorial work safe or to alter such memorial work so that it complies with the provisions of these by-laws or to dismantle and remove such material work from the cemetery together with all rubble connected therewith within a period specified in such notice.
- (5) If such holder or person fails to comply with a notice in terms of subsection (3) or (4), the Council may, without incurring any liability to pay compensation –
 - (a) re-erect the memorial work concerned; or
 - (b) dismantle and dispose of the memorial work concerned and remove any rubble connected therewith; or

(c) render the memorial work concerned safe;

and such holder or person will be liable for any costs incurred by the Council in doing any act in terms of this sub-section.

(6) If, in the opinion of the Council, any memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential, the Council may without giving any notice to the holder or person referred to in subsection (1), and without incurring any liability to pay compensation –

(a) dismantle the memorial work concerned and remove it and any rubble connected therewith; or

(b) render the memorial work concerned safe.

(7) If the Council has acted in terms of subsection (6), it may immediately, in writing, notify the holder or person referred to in subsection (1), of the work that it has done and if memorial work was dismantled in terms of subsection (6) (a), that unless such person reclaims and removes the memorial work from the cemetery within a reasonable period stipulated in the notice, the Council will dispose thereof.

(8) Such holder or person will be liable for any costs incurred by the Council in doing any act in terms of subsection (6).

(9) If the holder or person referred to in subsection (1) fails to pay the costs referred to in subsection (8) or to reclaim and remove memorial work dismantled by the Council in terms of subsection (6) (a), the Council may dispose of such memorial work in any manner it deems fit and if any proceeds are derived from such disposal, they shall be offset against the cost of the dismantling, removing, storing and disposing of such memorial work and rubble connected therewith.

47. General Requirements for Memorial Work

- (1) Any person who erects or re-erects memorial work must ensure that –
 - (a) whenever any part of such memorial work is to be joined to any other part, it shall be so joined by the use of copper or galvanized iron clamps, pins or dowels of approved thickness and of a length sufficient to fit holes which shall not, without the prior written permission of the officer-in-charge, be less than 50mm deep;
 - (b) a foundation which is adequate to support the proposed memorial work is provided for such memorial work;
 - (c) all kerb stones are squared and laid in accordance with the instructions of the officer-in-charge so as to ensure that when the ground surrounding such kerb stones has been leveled, such kerb stones do not exceed a height of 230mm above ground level; and
 - (d) if loose stone chips are placed on a grave, the level of such stone chips shall not be higher than 10mm below the level of the surrounding kerb stone.

48. Requirements for Memorial Work in Lawn Section

- (1) The following provisions apply to memorial work and graves in a lawn section:
 - (a) The dimensions of the base of any headstone on an adult's grave shall not exceed 915mm length and 255mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1800mm in length and 255mm in width.
 - (b) Head stones may not exceed the length and breadth of the cement verges.

- (c) The dimensions of the base of any headstone on a child's grave shall not exceed 610mm in length and 255mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 200mm in length and 255mm in width.
- (d) No portion of any headstone shall extend beyond the horizontal dimensions of its base;
- (e) The maximum height of a headstone will not exceed 1500 mm above the surface level of the berm;
- (f) A headstone will only be placed at such place as indicated by the officer- in- charge;
- (g) Headstones shall only be erected on the berms provided by the Council and in the case of headstones in a back-to-back position on the same berm the width dimension in subsections (1) and (2) will be so spaced to allow the positioning of both headstones on the berm;
- (h) no part of any memorial work other than the headstone shall exceed 1070mm in height above the berm;
- (i) any headstone shall be so positioned that the front edge of the base of the headstone is at least 130mm from the front edge of the berm;
- (j) no object other than a headstone which may incorporate not more than two sockets for receptacles for flowers shall be placed on any grave: Provided that a vase in which natural or artificial flowers and foliage may be kept may be placed in a socket provided in a berm for such vase and such vase shall not exceed 300mm in height and its horizontal dimensions shall not be more than 60mm greater than its base;

(k) no kerb demarcating any grave and no slab covering any grave shall be permitted.

(l) head stones may only be placed in areas as indicated by the caretaker and on verges as supplied by the Council.

49. Requirements for Memorial Work in Memorial Section

(1) In the Memorial Section of a cemetery, the maximum measurements of any memorial work erected on a grave in a memorial section must be –

(a) in the case of an adult's grave, 2 500mm in length, 1 050mm in width, and 1200mm in height measured from the ground surface;

(b) in the case of a child's grave, 1 500mm in length, 600mm in width and 800mm in height measured from the ground surface.

(2) Head stones may only be placed in areas as indicated by the caretaker and on verges as supplied by the Council. The head stone must be the same size as stipulated for the cement verges.

(3) Head stones in the memorial section do not require a foot piece.

(4) The number of the grave must be placed on a prominent place on the memorial work above soil level.

50. Requirements for Memorial Work in Landscape Section

Any memorial work erected on a grave in a landscape section may not exceed 230mm in length, 305mm in width and 30mm in height and shall be mounted on a berm.

51. Supervision of Work

Any person engaged upon memorial work in a cemetery must effect such work under the supervision, and to the satisfaction, of the officer-in-charge.

CHAPTER 11 TRIBAL AND VILLAGE CEMETRIES

52. Application

- (1) A tribal authority or rural village community may apply in writing to the Council to establish a cemetery at a place accessible to such tribe or village community.
- (2) An application referred to in subsection (1) must:
 - (a) indicate the area, tribe or community which will make use of the cemetery;
 - (b) the name of the tribal authority or name of the rural village who makes the application;
 - (c) the name of the tribal chief or representative of the village community;
 - (d) whether a graveyard already exist at the place for which application is made; and
 - (e) be signed by the tribal chief or representative meant in (c) above.
- (3) The Council may require such further information as it may seem necessary to be supplied together with the application in subsection (1).

53. Location

- (1) The Council will decide on the site for a tribal or rural village cemetery, having regard to:
 - (a) the wishes of the tribal authority or village community;
 - (b) any existing graveyard;
 - (c) spatial development of the area;
 - (d) the accessibility of a cemetery site;
 - (e) the environment; and
 - (f) health requirements.
- (2) The Council must commission an environmental impact study prior to the approval of any cemetery site in terms of this Chapter.

54. Approval

- (1) No person may inter any deceased person in a grave not situated in a cemetery approved by the Council.
- (2) The approval of a cemetery in terms of this Chapter will be in writing and subject to such conditions as the Council may determine, including but not limited to:
 - (a) the layout of grave sites;
 - (b) the responsibility and standard of maintenance of the cemetery, grave sites and tombstones in the cemetery by the tribal authority or village community;

- (c) the fencing and maintenance of such fence by the tribal authority or village community; and
- (d) measures to make safe open graves.

55. **Ownership**

- (1) The tribal authority or village community must submit, together with the application meant in section 51 (1), proof of ownership of the land upon which a cemetery is to be establish or for any other site the Council may identify as suitable for a tribal or village community cemetery, together with written permission by the owner of such land for the establishment of a cemetery on such land.
- (2) The owner of the land meant in subsection (1) must give permission, authorize and do all such things as may be required by Council at any time, to register an appropriate public servitude over the land on which a cemetery is approved.

56. **Graves**

- (1) A grave in a cemetery meant in this Chapter may only be dug by a person or persons authorized thereto by the Council and subject to such safety measures as the Council may require.
- (2) The cost of digging a grave referred to in subsection (1) will be determined by Council in terms of it's tariff of charges.
- (3) Sections 3, 4 and 5 of this by-law, will with the necessary changes, be applicable to an interment in terms of this Chapter, subject thereto that the Council may appoint a member of the tribe or village community to perform the functions of the officer-in-charge in relation to such interments.

- (4) Sections 6 and 7 of this by-law will apply to graves dug in terms of this Chapter, subject thereto that the person appointed in terms of subsection (3) may approve in writing a change in the dimensions of a grave where required by religions or customary practice, further subject thereto that there shall at least be 1 200mm of soil between the coffin or deceased person and the surface ground.

57. **Tariff of Charges**

The Council may determine tariff of charges for the interment of a deceased person in a grave meant in this Chapter.

58. **Withdrawal of Approval**

The Council may at any time withdraw its approval in regard to a cemetery established in terms of this Chapter, in which case such cemetery will from the date of such withdrawal be deemed to be a cemetery of the Council meant in section 2 (1).

CHAPTER 12 GENERAL

59. **Prohibited acts**

- (1) No person may enter or leave any cemetery except by the gateways provided.
- (2) No person may within any cemetery –
- (a) enter any office or any enclosed place where entry is prohibited by means of a notice displayed in a conspicuous position, except on business connected with such cemetery;

- (b) solicit any business, or exhibit, distribute or leave any tract, business card or advertisement;
- (c) sit, stand, climb upon, or deface or damage any memorial work or Council property;
- (d) commit any offensive, indecent or objectionable act or any act which constitutes a nuisance or causes a disturbance;
- (e) introduce any animal without the consent of the officer-in-charge;
- (f) hold or take part in any demonstration;
- (g) remove any plant or part thereof without the consent of the officer-in-charge;
- (h) drive or park any vehicle without the prior consent of the officer-in-charge on any road where driving or parking is prohibited by means of a notice displayed in a conspicuous position or drive or park any vehicle contrary to any direction of the officer-in-charge;
- (i) drive any vehicle or ride any cycle at a speed exceeding 20km per hour;
- (j) obstruct, resist or oppose the officer-in-charge or any member of his staff in the exercise of his powers or performance of his duties under these by-laws, or refuse to comply with any lawful order or request of the officer-in-charge or any member of his staff;
- (k) play or cause to be played any musical instrument or apparatus without the prior consent of the officer-in-charge;
- (l) play any sport or conduct himself in a manner not in keeping with the atmosphere of a cemetery.

60. Liability of Council in respect of Injury or Damage

The Council will not be liable for any injury to person or damage to any property if such injury or damage has been sustained in a cemetery, except where such injury or damage was caused by the willful misconduct of or a negligent act of commission by an employee of the Council.

61. Pauper Burial

If deceased person's estate is without means to defray the cost, or any part thereof, of a burial and no relative or other person can be found liable to bear the burial costs, or any part thereof, of such deceased person, the Council may bear the cost of interment or part thereof and the Council will in such instance decide on the grave and manner of interment.

62. Charges

The Council may determine different charges for the burial of deceased persons, and for conversion of public graves to private graves in respect to residents and non-residents.

63. Offences and Penalties

Any person shall be guilty of an offence and liable on conviction to a penalty not exceeding R2 000, or to imprisonment, or to both such fine and imprisonment, who –

- (a) willfully conceals any fact or document in connection with an application for interment;
- (b) makes any false statement in a written application for interment;
- (c) contravenes any provision of these by-laws;

64. Cemetery By-Laws

These by-laws will be known as the Cemetery By-Laws.

SCHEDULE 1
GREATER TZANEEN MUNICIPALITY
APPLICATION FOR BURIAL OF DECEASED PERSON

1. PARTICULARS OF DECEASED:

Full Name :
Identity Number :
Date of Birth :
Residential Address :
on date of death
.....
Residential Address :
during period six months prior :
to death
.....
Age of Deceased :
Sex of Deceased :
.....
Course of Death :
Date of Burial Order or Court :
Order :
(Original attached)

2. PARTICULARS OF APPLICANT:

Full Name :
Identity Number :
Residential Address :
.....
Postal Address :
.....
Work Address :
.....
.....

Telephone Numbers:

Cell phone :
 Home :
 Work :
 Relationship to Deceased :

3. FUNERAL PARTICULARS:

Undertaker :
 Undertaker - Address :
 Undertaker – Telephone Number :
 Approximate number of Persons to Attend Funeral :
 Has Arrangement been made with Traffic Department for Funeral Procession? :
 Date of Burial :
 Time of Burial :
 Length and width of coffin :
 Material of which coffin is made :

Cemetery Section

Landscape Section	
Lawn Section	
Memorial Section	
Memorial Wall	
<i>(tick which is applicable)</i>	

4. PAYMENT OF CHARGES:

Charge for Burial : _____
Date of Payment : _____
Receipt Number (Copy : _____
Attached) : _____

5. APPROVAL FOR INTERMENT:

Date of Burial : _____
Time of Burial : _____
Section of Cemetery : _____
Special Arrangements : _____
Approved : _____

Grave Number : _____
Person Authorizing : _____
Application Approved : _____

(Signature)

Date

SCHEDULE 2
GREATER TZANEEN MUNICIPALITY
APPLICATION FOR PUBLIC GRAVE TO PRIVATE GRAVE

1. APPLICANTS PARTICULARS:

Full Name :
Identity Number :
Residential Address :
.....
Work Address
.....
Telephone Numbers:
Cell phone :
Home :
Work :

(Should any of the above particulars change, the applicant must inform the Council immediately.)

2. SUBSTITUTION:

Should the Applicant die or become incapacitated, the Applicant nominate the following person to become the holder of private rights in his/her stead:

Full Name :
Identity Number :
Residential Address :
.....
Work Address
.....
Telephone Numbers:
Cell phone :
Home :

Work : _____

4. RIGHT OF INTERMENT:

The Applicant himself/herself wish to be interred in the private grave: Yes / No

(Delete which not applicable.)

5. PAYMENT OF CHARGE:

Amount paid for private grave : R _____

Receipt Number : _____

6. ALLOCATION OF PRIVATE GRAVE:

Grave Number : _____

Section of Cemetery _____

Person Authorizing : _____

Application Approved : _____

(Signature)

_____ Date

SCHEDULE 3
APPLICATION TO ERECT MEMORIAL WORK

PARTICULARS OF DECEASED:

(If more than one deceased in grave, particulars of all required.)

Full Name : 1. _____
2. _____
3. _____

Identity Number : 1. _____
2. _____
3. _____

Grave Number : _____

Cemetery Section : _____

Date of Burial : 1. _____
2. _____
3. _____

PARTICULARS OF APPLICANT:

Full Name : _____

Identity Number : _____

Residential Address : _____

Work Address : _____

Telephone Numbers:

Cell phone : _____

Home : _____

Work : _____

Relation to Deceased : _____

PARTICULARS OF MEMORIAL WORK:

1. Please attach sketch plan of Memorial Work to this application, included dimensions.

2. Describe any words and / or figures to be inscribed on Memorial Work:

3. Person to be responsible for erection of Memorial Work:

4. Material of which Memorial Work will be made of:

5. Date to be erected on grave:

APPROVAL OF APPLICATION:

The Application is approved / disapproved; with the following comments / conditions:

Person Approving: _____
Signature: _____
Date: _____