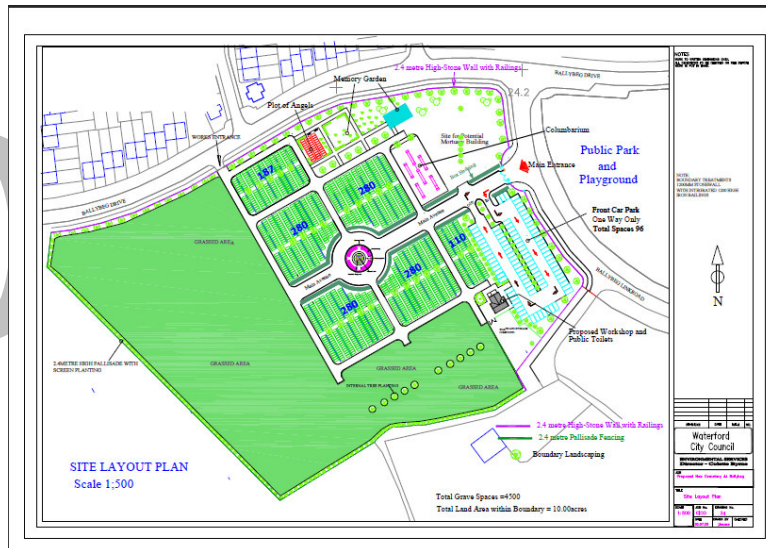


Kilbarry Cemetery



Draft Bye-Laws

8th February, 2010

BYELAWS

Made by Waterford City Council under the Local Government Act 2001 for the Regulation of Kilbarry Cemetery situate at Ballybeg, Waterford City

GENERAL REGULATIONS FOR KILBARRY CEMETERY

THE NAME

1. The cemetery to which these byelaws refer shall be known as “Kilbarry Cemetery”, or, in Irish, “Reilig Chill Bharra”

INTERPRETATION OF TERMS

1. Throughout these byelaws the use of the following terms shall have the following meanings:

“The Council” shall mean the Council of the City of Waterford.

“Cemetery” shall mean Kilbarry Cemetery

“Lawn Cemetery” shall mean any part of the Cemetery so designated wherein kerbs or other such items shall not be permitted to be placed and where burial plots shall be maintained as grassed areas.

“Registrar” or “Caretaker” shall mean the Registrar or Caretaker at the time being of Kilbarry Cemetery

“Member of the same Family” shall mean the Father, Mother, Husband, Wife, Son, Daughter, Sister or Brother of the person last interred in a specific grave, or some person who was permanently residing with the person last interred therein, at the time of that person’s death.

“Beam” means the Headstone Beam where already provided in the Cemetery.

APPLICATON OF BYELAWS

2. These byelaws shall apply to Kilbarry Cemetery only and shall not apply to any other burial ground under the control of Waterford City Council

FENCING & DRAINAGE

3. The Cemetery shall be kept sufficiently secured; and, if necessary, shall be under-drained to such a depth as will prevent water remaining in any grave or vault.

GRAVE SPACES

4. The area to be used for graves shall be divided into grave spaces, to be designated by convenient marks, so that the position of each grave space may be readily ascertained. A map of the Cemetery shall be constantly kept in some convenient place, at or near the Cemetery, and shall be made available for inspection by all persons between the hours of 10a.m. – 4 p.m, Monday - Friday. On such map or maps every grave space shall be shown with its distinctive mark inscribed thereon, i.e. section, row and number.

SIZE OF GRAVE SPACES

5. The grave spaces for the burial of persons shall be 2.5m long by 1.22m wide excluding beam dimension.

FIRST INTERMENT

6. Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth of 2.45m at least, or in case the nature of the sub-soil will not permit the grave being sunk to such depth, then to such lesser depth as the Council shall specify.

MODE OF BURIAL

7. No interment shall be permitted in the Cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to interment, unless the body be enclosed in a coffin of wood or other sufficiently strong material. An exception shall be for burial in the natural burial area of the cemetery where burial in an environmentally friendly, biodegradable coffin will be permitted.

An area will be designated to accommodate the interment of ashes.

OPENING OF GRAVES

8. No grave shall be re-opened within fourteen years after the burial of a person unless to bury another member of the same family, in which case a layer of earth not less than 300mm in depth shall be left undisturbed above the previously buried coffin; but if on re-opening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave.

No grave, in which any body has been interred, shall be opened, save for the purpose of interment or exhumation or the erection of a tombstone or headstone, without the written permission of the Council to be previously produced to and left with the Registrar.

DEPTH OF BURIAL

9. No coffin shall be buried in any grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.22m below the ordinary level of the ground.

COLUMBARIUM

10. Each niche in the Columbarium is sufficient for two standard receptacles. Ashes must be contained in standard receptacles as specified by Waterford City Council. Only Waterford City Council personnel will be authorised to open the Columbarium.

No inscription shall be permitted on the Columbarium, unless and until the inscription has been approved of, in writing, in the form of a Certificate of Permission by the Council's Registrar or such other officer, as the Council shall appoint for this purpose.

INTERRUPTION OF INTERMENT

11. Any person unlawfully preventing or attempting to prevent the interment of any person in the Cemetery, or unlawfully preventing or disturbing the celebration of funeral rites over any person, shall be in breach of these byelaws.

EXHUMATION

12. No body, nor the remains of any body, shall be removed from one place of burial to another, or exhumed (except under the conditions set forth in Byelaw 8) without the prior written consent of the Council, and with such precautions as such Authority may prescribe as the condition of such Licence; and any person who shall remove or assist in removing any such body or remains contrary to this Rule, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these byelaws.

REGISTER OF BURIALS

13. A proper Register (hereinafter referred to as the Register) shall be constantly kept in some convenient place at or near the Cemetery, or at the place of residence of the Registrar and shall be open for inspection at all reasonable times; but no person, except the person having the care and management of the Cemetery, and in these rules called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned.

A digital version of the register shall also be maintained by the Registrar

A printed copy of these rules shall be kept constantly affixed to the Register.

ENTRIES IN REGISTER

14. (i) Before the interment of any person in the Cemetery, or before admission into such place of reception as aforesaid, the Registrar shall, after due enquiry as to the facts from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register, in plain and legible characters, under its proper headings, and in numerical order, of the First Name and Surname, time of death, sex, age, religious persuasion, and occupation of the deceased, together with his or her last place of residence, and condition, as whether "married", "single", "divorced", "separated", "widower" or "widow", or "the child of A.B.", etc.

(ii) After the interment due entry shall be made under its proper heading of the distinctive mark of the grave; and the signature of the person having the management of the interment shall be affixed in the last column but one, in token of the accuracy of the foregoing statements; and such signature shall be attested by the signature of the Registrar, in the last column. Any such person wilfully refusing to give to the Registrar information as to the matters aforesaid, or to affix his signature as aforesaid, shall be in breach of these byelaws.

PURCHASE OF CERTIFICATE OF RIGHT OF BURIAL

15. (i) Application to acquire a right of burial in a grave plot in the Cemetery shall be made to the Council.

The application shall include the name and address in sufficient detail to ensure future identification against the Register, and also the specified fees. These fees will be as laid out in a "Schedule of Fees" as decided by the City Manager and as revised as the manager deems appropriate

While 60% of grave plots are still remaining in the cemetery, the purchase of right of burial in multiple plots will be permitted. However, purchase of the right of burial may, at any time, be confined by the Council to certain designated areas of the cemetery so as to facilitate orderly development

- (ii) The Deed and Receipt issued in response to the application constitutes the owner's right of burial. As the details depend on the accuracy of the information supplied, the Council shall not be liable for any errors in the Deed as issued.

A grave plot Deed does not allow the erection of a headstone without a separate application being made to the Council (see byelaw 21).

- (iii) The selling of a grave deed to a third party is not permitted. However, the Council will facilitate those wishing to return ownership of deed to the Council.

VISITORS

16. (i) Visitors to the Cemetery shall enter or leave the Cemetery only by means of the designated entrance(s).

(ii) They shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein.

(iii) They shall not interfere with any of the tombs or monuments or headstones or with the Columbarium or with any flowers, shrubs or wreaths within the Cemetery.

(iv) No dogs or other animals shall be allowed into the Cemetery to accompany visitors unless the prior permission of the Council has been secured and visitors shall close the gate after entering and leaving to prevent trespass by stray animals. Guide dogs are permitted.

MISCONDUCT

17. The Registrar or any agent of the Council shall at all times be entitled and at liberty to remove from the Cemetery any person who may be guilty of misconduct therein, and to prevent any person from entering the Cemetery at prohibited times.

DAMAGE TO MONUMENTS AND OTHER PROPERTY

18. No person shall wilfully deface, destroy or damage any building, wall, fence, columbarium, monument, headstone, tablet, notice board or any other article, whether belonging to the Council or deed holders of plot, or pull up any tree, shrub or flower therein, or put up any bill or notice on any wall, or play any game or sport therein or unlawfully disturb any persons assembled in the Cemetery for a burial, nor shall commit any nuisance within the Cemetery.

TREES

19. No trees shall be planted on any grave space in the Cemetery, except in the area designated for natural burial, and these only with the agreement of, and under the supervision of, the Registrar or Caretaker or other suitably appointed Council official

SHRUBS AND FLOWERS

20. (i) The planting of shrubs and flowers on or near grave plots, or, indeed, in any other part of the cemetery is not permitted. Such prohibition does not apply to the Council or its agents
- (ii) Any flowers or wreaths placed on graves after burials have taken place shall be removed by the grave deed owners or their representatives within two months. These shall be deposited in the area provided for such disposal, or, if such a place is not provided, shall be taken away from the Cemetery for disposal elsewhere.
- (iii) Memorial flowers will be permitted only when placed on the headstone beam or the columbarium.

ERECTION OF MONUMENTS

21. No Tomb, Monument, Vault, Headstone, Tablet or permanent structure of any description or material shall be erected or constructed on any place of burial in the Cemetery, unless and until the structure has been approved of, in writing, in the form of a Certificate of Permission by the Registrar, or such other Officer as the Council shall appoint for this purpose.

A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1 is to 20 shall accompany all such requests for approval.

The heights of any structure proposed shall not exceed 1.00 metre above beam level and shall be a minimum of 0.75 metres above beam level.

Certificate of Permission must be available on demand by any Council Official.

The number of grave space shall be clearly identified on the headstone.

INSTALLATION OF FURNITURE AND SIMILAR STRUCTURES

22. No furniture, such as seats or benches, whether of a permanent or a moveable nature, shall be allowed to be placed at or near graves or on paths and avenues. The Registrar may, on occasion, give permission for such furniture in appropriate and designated areas, as long as such placement of furniture will not constitute a hazard to users of the cemetery or will act as an obstacle to the proper maintenance of the cemetery or to accessing grave spaces

PERISHABLE AND UNSUITABLE MATERIALS

23. The use of materials of a perishable nature such as timber, ironwork or the like as part of any monument or structure in any Cemetery will not be permitted, except in cases of the erection of a temporary monument.

The use of plastic or man made (synthetic) materials may only be used following special permission issued by the Council.

KERBS

24. The major part of the Cemetery will be a “lawn” type Cemetery where no kerbs of any description will be permitted under any circumstances.

FOUNDATIONS USING BEAMS

25. Where Beams have been or will be provided, the Headstone or any other type of monument being proposed shall be erected using the appropriate Headstone Beam as the foundation.

Any material such as concrete, mortar or the like used in the erection of the monument shall not be allowed to extend outside the top of the Beam, and all surplus material shall be removed from the Cemetery by the person in charge of the erection of the monument.

UNDERTAKING OF WORKS

26. (i) All works in erecting monuments or the like carried out in the cemetery either by the owners of the grave deeds, their agents or representative, including monumental contractors, are subject to the written approval of the Registrar, or Caretaker, or their representatives.

(ii) The dumping and mixing of sand, gravel and cement for making concrete will not be permitted on paths or unprotected ground, and must be carried out on portable platforms.

(iii) All surplus materials left over when the work has been completed must be removed from within the confines of the Cemetery by the contractor or the owner of the grave deed at the time of the completion of the works.

REMOVAL OF BROKEN OR OTHER MONUMENTS

28. The removal of broken or other monuments is the responsibility of the deed owner. The Council may take down and remove any monument, headstone, kerb, tablet or any other object which may have been placed at any time within the Cemetery, either with or without authority, which may have fallen into decay, or which in the opinion of the Council is not being maintained or has become a nuisance or a danger to ordinary users of the Cemetery.

In such cases, the Council may recover the cost of any such removal from the grave deed owner or owners, by a simple contract debt.

LAYOUT OF CEMETERY

29. The cemetery is intended to be a municipal burial ground, both multi-denominational and non-denominational in nature. It is intended that it be a place of respect and dignity. The Council may, at any given time, designate certain areas of the cemetery for the burial of specific groups of people or for other specific purposes, especially if such designation contributes to the spiritual requirements of the users of the cemetery.

Initially, other than a standard "lawn" cemetery, the cemetery will have areas designated for child burial ("Plot of Angels"), for depositing ashes ("Columbarium"), for reflection ("Memory Garden") and for alternative "green" burial ("Natural Burial Area")

The cemetery will also have a central memorial plaza which can be used for religious or ceremonial purposes. Any such ceremony may only be held with the written permission of the Registrar, or such other officer, as the Council shall appoint for this purpose.

A person who contravenes a provision of these byelaws shall be guilty of an offence and shall be liable, on summary conviction in the District Court, to a fine not exceeding €1,200.

DRAFT

MADE and ADOPTED under the Common Seal of
THE CITY COUNCIL OF THE CITY
OF WATERFORD.

This day of 2010.

SENIOR EXECUTIVE OFFICER
CORPORATE SERVICES

Clerical Officer

Clerical Officer