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LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE		
91 Local Government: Municipal Systems Act (32/2000): Aganang Municipality: Cemetery By-law	3	1469

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 91

AGANANG MUNICIPALITY CEMETRY BY-LAW

The Municipal Manager of Aganang Local Municipality acting in terms of section 13(a) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes Cemetery By-Law for Aganang Municipality, as approved by the Council, as set out hereunder:

AGANANG MUNICIPALITY CEMETRY BY-LAW

CHAPTER ONE

GENERAL

1. Definitions

In this policy unless the context otherwise indicates:

“Adult” means any deceased person over the age of 12 years whose coffin will fit into the grave opening prescribed for adults in section 18.

“Beautification” means the upkeep by seasonal planting and watering of grave gardens by the municipality.

“Berm” means a concrete strip laid by the municipality along a row of graves.

“Caretaker” means the person from time to time holding the appointment of caretaker or superintendent of any cemetery or acting in such capacity in the service of the municipality.

“Cemetery” means any piece of ground duly set apart by the municipality as a public cemetery.

“Child” means any deceased person of the age of 12 years or under whose coffin will fit into the grave opening prescribed for children in section 18.

“Contractor” means the person who has paid or caused any of the charges prescribed in terms of schedule A hereto to be paid or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interest referred to or mentioned in this policy.

“Council” means the council of Aganang municipality and includes the executive committee of the council or any other accounting officer employed by the council; acting by virtue of powers vested in the council in connection with this policy.

“Grave” means any grave in respect of which any person has obtained the right of having a single body interred therein.

“Health inspector” means the health inspector of the department of health or his assistants.

“Memorial work” means any tombstone; railing; fence; monument; memorial; inscription; or any other work erected or which may be erected on any grave.

“Municipality” means the area placed under the control and jurisdiction of the council.

“Person” means any person; excluding an accounting officer of the council acting in the course and within the scope of his duties in a cemetery.

“Plot” means any piece of ground laid out for one or more graves and in respect of which the right to inter in has been obtained or reserved in terms of this policy.

“Registrar of deaths” means any person being appointed by the government to register deaths.

“Resident” means a person who; at the time of death; ordinarily resided within the municipality or any person who; at the time of death; had property within the municipality registered in his name: provided that unless otherwise stipulated; the term does not include inmates of hospitals; institutions or other persons temporarily residing within the municipality.

“Watering” means the watering of grave gardens by the municipality only.

2. ESTABLISHMENT OF CEMETRIES

2(1)

The municipality may from time to time set apart any ground for the purpose of a cemetery and no person shall inter or cause to be interred in any other place in the municipality.

2(2)

The municipality may not reserve any cemetery or part of any cemetery for the burial of persons of a particular race; sect; denomination.

3. CREMATION

3(1)

No person shall dispose of a body in any other manner than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the crematorium ordinance;1965.

3(2)

After cremation the ashes shall be entrusted to the care of the person who applied for the cremation; should it be so desired; and if not; the ashes shall be kept by the owner of the crematorium and; failing any express arrangement for the express arrangement for the interment or safekeeping thereof; they shall be duly interred in a cemetery or in the land adjacent to the crematorium reserved for the interment of ashes.

3(3)

Should ashes which are temporarily left in the care of the owner or an official of the crematorium not be removed within a reasonable period of time; the person who applied for cremation shall be given fourteen days' notice before such ashes are interred.

3(4)

No person shall inter or cause any body to be interred within any cemetery without the permission of the caretaker or any other official acting in such capacity in the municipality's employment. Such permission shall only be granted on submission to the caretaker of a written order signed by the Registrar of deaths; authorising interment. In all cases where a post mortem has been held; the order of the magistrate must also be submitted to the caretaker.

3(5)

The municipality shall upon request inter any body free of charge; in such grave and manner as is the responsibility of the municipality in terms of the provisions of any other law.

4. HOURS OF ADMISSION FOR VISITORS

4(1)

Every cemetery shall be open to the public during the following hours:

- (a) weekdays: from 08H00 TO 18H00**
- (b) Saturdays; Sundays and public holidays; from 08h00 to 18h00 provided that the municipality shall have the**

power to close to the public any cemetery or part thereof for such period as it may deem fit if it is; in the discretion of the municipality; in the interest of the public.

4(2)

No person shall be or remain in any cemetery or part thereof before or after the hours mentioned in subsection (1) or during any period when it is closed to the public.

5. CHILDREN

No person under 12 years of age may enter any cemetery unless such person is under the care of an adult responsible person.

6. KEEPING OF PATHS

Except for purposes permitted by this policy; all persons shall only use the roads; walks and turfed paths provided for in the cemetery.

7. ENTRANCES AND EXITS TO THE CEMETRIES

No person shall enter or leave any cemetery; except by the gates provided for the purpose; and no person shall enter any office; building or fenced place in a cemetery; except in connection with lawful business.

8. NO PERSON SHALL DISTRIBUTE TRACTS OR ADVERTISEMENTS

no person shall solicit any business; order or exhibit; distribute or leave any tracts; business cards or advertisements within any cemetery or shall use any cemetery road or walk for the conveyance of any goods; parcels or other material except in the case where it is intended for use in such cemetery.

9. SITTING OR CLIMBING ON MEMORIAL WORKS PROHIBITED

9(1)

No person shall sit; lie; stand or climb upon or over any memorial work; gate; wall; fence; or building in any cemetery.

9(2)

Any person who sits; stands; lies or walks on or over any grave shall be guilty of an offence and liable on conviction to a fine of R100.00 or in default of payment to imprisonment for a period not exceeding 3 months.

10. PROHIBITED AREAS WITHIN CEMETERIES

No person shall:

- (a) Commit any nuisance within any cemetery
- (b) Ride any animal or cycle within any cemetery
- (c) Bring or allow any animal to wander inside any cemetery. any animal found in any cemetery may be destroyed by the council without paying any compensation to the owner thereof
- (d) Plant; cut; pick or remove any plant; shrub or flower without the permission of the caretaker
- (e) Hold or take part in any demonstration in any cemetery
- (f) Interrupt during the performance of his duties any official; workman or labourer employed by the council in any cemetery
- (g) Obstruct; resist or oppose the caretaker in the course of his duty or refuse to comply with any order or request which the caretaker is entitled under these by laws
- (h) Use any cemetery for any immoral purpose
- (i) Mark; draw; scribble; erect; advertisements or objects on any wall; building; fence; gate; memorial work or other erection within any cemetery or in any way deface them; and
- (j) Use water for any form of gardening without the permission of the caretaker

11.

Any person wishing to lodge a complaint shall lodge such complaint; in writing; to the municipal manager.

12. FEES

The fees set forth in schedule A hereto in respect of the various items herein contained shall be paid to the council within the times stated herein after.

13. RIGHT OF INTEREST IN GROUND

No person shall acquire any right to or interest in any ground or grave in any cemetery; other than such rights or interests as may be obtainable under this policy.

14. WRITTEN CONSENT

Any written consent; notice or other order issued by the council in terms of this policy shall be signed by the municipal manager and shall be prima facie evidence thereof.

CHAPTER TWO

15. INTERMENT

APPLICATION FOR AND PURCHASE OF THE USE OF A GRAVE

15(1)

Any person desiring to have a body interred in a grave shall submit to the caretaker an application in writing in the form set out in schedule B hereto and such application shall be signed by the nearest surviving relative of the person whose body will be buried in the grave or such other persons the nearest surviving relative may authorise to sign the application on his behalf; provided that if the caretaker is satisfied that the signature of the surviving relative cannot be obtained promptly or for such other valid reason; he may in his discretion grant an application signed by any other interested person and such application shall be submitted to the caretaker at least 24 working hours before the time of the interment and 72 working hours in the case where the size of the grave exceeds the standard size.

15(2)

Subject to the provisions of section 18; the council may on payment of the applicable charges as determined from time to time by the council and after having been requested thereto; sell to public the use of any grave in a section of a cemetery.

16. ALTERATION OF DATE OF INTERMENT

Should any alteration be made in the day or hour previously fixed for an interment; notice of such alteration shall be given to the caretaker at the cemetery at least 6 hours before the time fixed for such interment.

17. DIMENSIONS OF GRAVE PLOTS AND GRAVE OPENINGS

17(1) The standard dimensions of grave plots shall be as follows:

(c) Adult:

Single grave plot

- Size of grave plot: 2.500x1.500 mm
- Size of memorial works (outside dimensions): 2.500x1 050 mm
- Width of kerb: 150 mm

Double grave plot

- Double the width of a single grave plot
- (d) *Child:*

Single grave plot:

- Size of grave plot: 1.500x1.000 mm
- Size of memorial works(outside dimensions)
1.500x1.000 mm
- Width of kerb: 150 mm

Double grave plot:

- Double the width of a single grave plot

17(2)

The standard dimensions of the aperture of an adult's grave shall be 2 250 mm in length and 750 mm in width and a child's grave 1 500 mm in length and 600 mm in width

17(3)

Any person requiring for an interment in an adult's grave an aperture of a size larger than the standard dimensions shall; when giving notice of interment; specify the measurements of the coffin and pay the fee prescribed in schedule A hereto for enlarging the aperture.

18. RESERVING OF GRAVES

Restriction shall be placed on the purchase of adult graves and more than one adult grave may only be purchased on payment of the fees prescribed in schedule A hereto in the following instances:

(A)

In the event of the death of an unmarried child or children two additional adjoining graves may be purchased for the parents of the deceased unmarried child or children

(B)

In the event of the death of a husband or wife; only one additional adjoining grave shall be placed at the disposal of the survivor.

(C)

Where a single unmarried parent resides with a married child and one of the three (i.e.) the husband; wife or single unmarried parent dies; three adjoining graves shall be made available to them

18(2)

In the event of religious denominations or other bodies insisting on separate sections or special divided portions of the cemetery for their exclusive use; a written application shall be presented to the council for consideration and determination

18(3)

Any person desiring to reserve the use of a grave; shall apply to the caretaker

19. TRANSFER OR SALE OF A GRAVE

No person shall; without the written consent of the council; sell or transfer to any other person any right to a grave which he has obtained or may obtain.

20 .WHEN CHILD’S COFFIN IS TOO LARGE

Should a child's coffin be too large for the dimensions of a child's grave it shall be placed in an adults grave and the usual fee for an adult's interment shall be paid by the person giving notice of interment and in all cases where a child is interred in a section intended for adults the tariff applicable for adults shall apply.

21. DEPTH OF A GRAVE

An adult's grave shall be 1.5m in depth and that of a child shall be 1.4m in depth: provided that the lid of the coffin; or where two coffins have been buried on top of each other; the lid of the top coffin shall not be less than 1m from the surface.

22. COFFINS IN GRAVES

Person shall place or cause any coffin constructed from any other material than soft wood or other perishable material to be placed in any grave.

23. INTERMENT OF MORE THAN ONE BODY IN THE SAME GRAVE

23(1)

Subject to the provisions of section 17(1); not more than one body may be interred in any grave without the prior written approval of the caretaker

23(2)

In the case of a second interment in any grave; the applicable charges for the opening up and filling in of the grave; as determined from time to time by the council; shall be payable

24. COFFIN OR BODY TO BE COVERED IMMEDIATELY AFTER INTERMENT

Every coffin or body shall be covered with at least 1m of earth immediately after interment.

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CHAPTER THREE

FUNERALS

25. RELIGIOUS CEREMONIES

The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the control and policy of the council.

26. EXPOSAL OF BODIES

No person shall convey; whether in a coffin or a shroud; a dead body which is not covered or expose or allow any such body or part thereof to be exposed in any street; cemetery; or public place.

27. INSTRUCTIONS OF CARETAKER

Every person taking part in any funeral procession or ceremony shall follow properly in file and shall park his vehicle in such a place indicated by the caretaker

28. MUSIC INSIDE CEMETRY

No music shall be made in any cemetery except in the case of police or military funerals or where such permission has been given by in writing by the caretaker

29. INTERMENTS ATTENDED BY LARGE NUMBERS OF PEOPLE

In any case where it is probable that any unusually large number present at any interment; the person giving notice of such interment shall notify the fact to the caretaker the day before the funeral.

30. HOURS OF INTERMENTS

No interment shall be held before 8h00 or after 18h00 on any day.

31. DAYS OF INTERMENTS

Any weekday; weekend and public holiday upon agreed times with the council.

32. NUMBER OF GRAVES

No person shall fix a peg or grave number on any grave not properly allocated.

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CHAPTER FOUR

EXHUMATION OF BODIES AND REOPENING OF GRAVES

33. EXHUMATIONS

33(1)

Subject to the provisions of the Removal of Graves and Dead Bodies ORDINANCE (Ordinance 7 of 1925); as amended; and of any other provision of the act on the same subject; no grave may be opened without written consent of the council.

33(2)

Subject to the provisions of section 25 and subsection 1 no person shall exhume or cause any body to be exhumed without the written consent of the council and the medical officer of health; and the fees for exhumation prescribed in schedule A hereto shall in every case be paid before exhumation takes place. Such permission shall be submitted to the caretaker at least 2days before the date fixed for the exhumation or removal of such body.

34. TIME OF EXHUMATION

No person shall exhume or cause a body to be exhumed during such time as the cemetery is open to the public.

35. SCREENING OF ACTIVITIES

The grave from which any body is to be removed shall be effectively screened from view during the exhumation.

36. MEDICAL OFFICER SHALL BE PRESENT

No exhumation or removal by any person shall take place unless the medical officer of health or his authorized representative is present.

37. TRANSFER OF BODY FROM ONE GRAVE TO ANOTHER BY THE COUNCIL

Should the transfer of a body be deemed expedient by the council at any time or should any provision of this policy be contravened during the interment of a body in any grave; the council may; after having complied with the provisions of ordinance 7 of 1925; remove such body to another grave and; if possible; any relative of such deceased person resident within the municipality; shall be notified accordingly.

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CHAPTER FIVE

CARE OF GRAVES

41. GARVES SHALL BE KEPT CLEAR OF WEEDS AND IN PROPER ORDER

The contractor in respect of any grave shall keep such grave clear of weeds and in proper order. Should the contractor fail to do so; the council may itself do or cause the necessary work for the above mentioned purpose to be done and recover the cost thereof from the owner.

42. SHRUBS AND FLOWERS

Any person may; with the permission of the caretaker; plant any shrub; plant or flower upon any grave: provided that no shrub; plant or flower shall be cut or carried away by any person without the consent of the caretaker; and the council shall have the right to prune; cut down; dig out or remove any shrub; plant or flower at any time without compensation.

The council shall have the right to remove all turf; flowers; shrubs and growing plants placed there by officers of the council from any grave in a cemetery in the event of maintenance fees payable in terms of schedule A hereto; being in arrear for three months or more.

43. CARE OF GRAVES

The council shall; upon payment of the fees prescribed in schedule A hereto; undertake to keep any private grave in order for a period corresponding to that which has been paid for.

44. LEVELLING OF EARTHEN HEAPS AFTER SIX MONTHS

If after the expiry of 12 months following the interment; no memorial works have been erected on a grave; the council reserves the right to itself; to level the earthen heap on such grave and to beautify or maintain it at its discretion.

45. MAINTENANCE TO SECTIONS

The council may maintain or do planting at its discretion for the beautification of the cemetery; on all grave plots; graves where no memorial works have been erected; paths and spaces in between graves and grave plots and all other similar open spaces in the cemetery.

CHAPTER SIX

ERECTION AND MAINTENANCE OF MEMORIAL WORK

46. WRITTEN CONSENT OF COUNCIL

No person shall bring into a cemetery; erect; alter; paint; clean; renovate; decorate; remove or otherwise interfere with any memorial work or cut any inscription thereon in any cemetery without the consent; in writing; of the council and of the contractor of such grave.

47. POSITION OF MEMORIAL WORK

47(1)

No person shall erect any memorial work on any grave before the position in which such memorial work is to be placed has been indicated by the caretaker.

47(2)

Should the conditions of subsection 1 not be complied with; the council shall; if it considers it to be necessary or desirous; have the right to alter the position of the memorial work and to recover the costs of such alteration from the contractor.

48. REPAIRS TO MEMORIAL WORK

Should the contractor of a grave allow any memorial work to fall into such a state of disrepair that it may; in the opinion of the council; cause danger or deface the cemetery; the council may order him by notice; in writing; to make such repairs as the council may deem necessary and should the address of the contractor be unknown to the council; such notice may be published in both official languages in any daily newspaper circulating within the municipality. Should the required repairs not be carried out within one month of serving such notice or the publication thereof; the council may itself carry out such repairs or remove the memorial without paying any compensation and recover the cost of such repairs or removal from the contractor.

49. SUPERVISION OF WORK

Any person engaged upon any work in a cemetery shall effect such work under the supervision and to the satisfaction of the caretaker.

50. DAMAGING OF MEMORIAL WORK

The council shall under no circumstances accept responsibility for any damage which may at any time occur to any memorial work; and which is not due to the negligence of the council's employees.

51. BRINGING MATERIAL INTO CEMETERY

No person shall bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless and until:

(A)

A sketch with the essential dimensions in figures of the proposed memorial and showing the position of the proposed work; accompanied by a specification of the materials to be used in addition to a copy of any proposed work; accompanied by a specification of the materials to be used in addition to a copy of any proposed inscription has been submitted to the council at least 3 days prior to the date on which such material is intended to be brought into the cemetery;

(B)

All fees due in respect of such grave or plot have been duly paid; and

(C)

The council's written approval of the proposed work been given to the applicant.

53. CLEANING-UP OF MEMORIAL WORKS BY THE COUNCIL

Any memorial work placed; built; altered; decorated; painted or otherwise dealt with in the cemetery in such manner that any provisions of these policy are contravened thereby; may be removed by the council without payment of any compensation.

53. REQUIREMENTS FOR ERECTION OF MEMORIAL WORKS

Any person erecting any memorial work shall fulfil the following requirements:

(A)

Where any part of any memorial work is to be joined to any other part; copper or galvanized iron cramps; pins or dowels of approved thickness and of sufficient length shall be used for such purposes. The holes into which such cramps; pins or dowels must fit shall not be less than 50mm deep.

(B)

Any part of such work which rests upon the ground or any stone or other foundation shall be fairly squared and bedded.

(C)

No stones of uneven thickness; or having any corner wanting shall be used unless shown on the sketch submitted in terms of section 51 A.

(D)

The undersides of all memorial work shall be set at least 80mm below the natural ground.

(E)

All head and kerbstones shall be used which protrude more than 230mm above the surface of the ground or are more than 150mm thick.

(F)

All head and kerb stones shall be properly secured from the inside with round copper and galvanised iron pins.

(G)

All head stones up to 150mm thickness shall be securely attached to the base in an approved manner.

(H)

All memorial works shall be completed as far as possible before it is brought into the cemetery.

(I)

In case of single graves foot kerbs shall consist of one solid piece.

(J)

Memorial walls may only be made or build of hard materials which are durable and in the case of steel and wood; it must treated against rust and insects respectively.

(K)

No person shall do any stone work; chiselling or other work not connected with the fixing of such memorial within any cemetery except where such work is expressly permitted by this policy.

(L)

All memorial work shall have an adequate concrete foundation traversing the head of the grave and where joints occur in the kerbstone; all joints shall be filled with good quality cement mortar.

(M)

Where memorial work has a base on ground level such base shall not be less than 900mm wide by 300mm by 300mm.

(N)

Any letters on memorial work shall be engraved thereon and shall not protrude from the surface of the memorial work.

(O)

In the event of such inscription being contrary to the provisions hereof; the council shall be entitled to have the inscription or memorial work removed at the cost of the contractor.

(P)

With the consent of the contractor as well as the caretaker the name of the maker may be affixed to any memorial work: provided that no address or other particulars shall be added thereto and the space taken up by such name shall not exceed an area of 40mmx10mm.

(Q)

The height of tombstone shall be restricted to 1.5 m above kerb.

(R)

Details of the grave; as supplied by the council; must be engraved on the base of the tombstone and must contain the following particulars; namely; section; row and grave number. Particulars must be 25mm in size. Single tombstone must be engraved on the left front; whilst double tombstones must be engraved on left as well as on the right of tombstone.

54. VEHICLES AND TOOLS

Every person engaged upon any work upon any grave or plot shall provide such vehicles; tools and other appliances as may be required by him; provided that no such vehicles; tools or appliances shall be of such kind as to contravene this policy and by no means block a road or roads.

55. COMPLYING WITH COUNCIL'S DIRECTIONS

Every person carrying on any work within any cemetery shall in all respects comply with the directions of the council.

56. RUBBISH AND DAMAGE TO CEMETERY

No person shall at any time leave any rubbish; soil; stone or other debris within the cemetery or in any way damage or deface any part of any cemetery or anything therein contained.

57. TIMES FOR BRINGING IN MATERIAL AND DOING WORK

No person shall bring memorial work or material or do any work; other than dismantling of memorial work for burial purposes; within any cemetery except during the following hours: Mondays to Fridays from 08h00 to 18h00: provided that when a funeral is taking place no work which may be disturbing shall take place for the duration of such funeral.

58. INCLEMENT WEATHER

No person shall fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.

59. PRODUCTION OF WRITTEN CONSENT

Any person charged with any work or on his way to or from work within cemetery; shall upon demand from the council or its authorised officer; produce the written consent issued to him in terms of section 46.

60. PENALTIES

Any person contravening or failing to comply with this policy and any person failing to comply with the conditions of any notice served on him by the council in terms of this policy; shall be guilty of an offence and liable on conviction to a fine not exceeding R5000.00 or in default of payment to imprisonment for a period not exceeding 3 months and in case of any continued offence; to a fine not exceeding R20.00 per day for every day such offence is continued. In addition to such fine any cost incurred by the council as a result of any contravention of any of the provisions of this policy or in the carrying out of any work prescribed by this policy to be carried out by any person and not carried out by such person; shall be paid by the person guilty of such contravention or failing to carry out such work.

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SCHEDULE A
TARIFF OF CHARGES

1. Purchase of a grave for immediate use; opening up and filling of a grave:

	Residents	Non residents
(i) Adult grave	R175.00	R300.00
(ii) Children’s grave	R125.00	R250.00

2. Approval of plans for the erection of tombstones:

- (i) Approval of a single tomb stone: per tomb stone: R80.00**
- (ii) Approval of a double tomb stone: per tomb stone: R100.00**

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