

MOGALE CITY LOCAL MUNICIPALITY:

CEMETERY BY-LAWS

THE MOGALE CITY LOCAL MUNICIPALITY HEREBY, IN TERMS OF SECTION 13 OF THE LOCAL GOVERNMENT; MUNICIPAL SYSTEMS ACT 32 OF 2000 AND SECTION 84(1)(p) OF LOCAL GOVERNMENT : MUNICIPAL STRUCTURES ACT, 117 OF 1998, PUBLISHES THE BY-LAWS SET FORTH HEREINAFTER, WHICH HAVE BEEN APPROVED BY THE COUNCIL IN TERMS OF SECTION 11 AND 12 OF THE SAID ACT:

CHAPTER 1

GENERAL

Section 1: Definitions

1. In these by-laws, unless inconsistent with the context:

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

“Artisan” means any person qualified to do any work as contemplated in this by-law;

“Assistant Cemetery Manager” means the official employed by the Municipality in the capacity as Assistant Cemetery Manager or any other person authorized to act in that capacity. The Deputy Director may in the absence of the Assistant Cemetery Manager delegate the duties and functions of the Assistant Cemetery Manager to any person deemed fit to act in such position;

“Cemetery” means any portion of land set apart by the Municipality for the purpose of a public cemetery; or any private land for which a license has been granted by the Municipality to the owner/s for the operation of a private cemetery.

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

“Undertaker” means the person who-

- 1.1.1 Has registered as undertaker and paid for the charges as determined by the Municipality in a general tariff by-law; and
- 1.1.2 Has obtained any rights or interest as set out in these by-laws; and
- 1.1.3 Has obtained the right to have any memorial work erected or constructed;

“Council” means the Mogale City Local Municipality as defined in the Local Government: Municipal Systems Act (Act 32 of 2000);

“Deputy Director” means the Deputy Director of Parks Management who is responsible for parks and cemeteries.

“Director” means Director Integrated Environmental Management being the official employed by the Municipality in that capacity or any other person authorized to act in that capacity;

“Grave” means any piece of ground laid out for a single grave within any cemetery in respect of which the exclusive right to use it for the purpose of burying a human body, has been purchased;

“Medical Official” means a medical officer of health appointed in terms of section 22 (1) of the Health Act and includes an environmental health practitioner/officer;

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

“Municipal area” means the geographic area or area of jurisdiction of the Mogale City Local Municipality;

“Non-resident” means any person who is not or does not qualify as a resident in terms of the Municipality’s Policy on the Provision and Preservation of Burial Space;

“Plot” means any piece of ground laid out for one or more graves and in respect of which the right to bury, has been obtained or reserved in terms of these or any previous by-laws;

“Registrar of Deaths” means any person appointed by the Government to register the death of a person;

“Resident” means any person who, at the time of death, ordinarily resided within the municipal area or any person who, at the time of death, must have been the owner of fixed property within the municipal area for a period of at least six months prior to death and as further contemplated in the Municipality’s Policy on the Provision and Preservation of Burial Space;

“Single Standard Grave” means a grave for the burial of a single coffin;

“Single Deep Grave” means a grave deep enough for the burial of two coffins.

The male gender will include the female gender and vice versa and singular will include the plural and vice versa.

Section 2: Establishment of Cemeteries

- 2.1 The Council may, from time to time and as it deems fit, establish a cemetery and no person may bury or cause any body to be buried in any place other than a cemetery.
- 2.2 The Council may issue a license for the establishment of a private cemetery subject to the provisions of the Policy on the Provision and Preservation of Burial Space

Section 3: Reservation of Cemeteries or part thereof for religious purposes

- 3.1 The Council may reserve any cemetery or part thereof for the burial of persons of a particular religious group subject to the following:
 - 3.1.1 Provided that no particular group is disadvantaged or discriminated against during such reservation, but limited to the requirements for association with such religious group.
 - 3.1.2 Provided that there is sufficient burial space available for such allocation
 - 3.1.3 In the case of a dispute between an individual and a religious organization about burial rights in such reserved cemetery, the Deputy Director will have authority to resolve such dispute at his own discretion.
 - 3.1.4 The allocation of reserved space will only apply to religious groups including Hinduism, Islam and Judaism who have special burial requirements.
 - 3.1.5 No provision will be made in any cemetery for the separation of any group other than for those provided for under section 3.1.4. An applicant will have the right to be buried or allow a person to be buried in any section in any cemetery provided that the necessary fees applicable to that section or cemetery has been paid and subject to the provisions of this By-Law.

Section 4: Disposal of a Body

4. No person may dispose of a body in any other manner than by burying it in a cemetery or having it cremated in an approved crematorium in terms of the provisions of the Crematorium Ordinance, 1965, as amended or any other Act, Ordinance or By-laws which regulates the cremation of a body.

Section 5: Permission to Bury

- 5.1 No person may bury or cause any body to be buried within any cemetery without the permission of the Assistant Cemetery Manager.
- 5.2 The permission referred to in section 4 may only be granted on submission of a written order signed by the Registrar of Deaths, authorizing burial, together with notice of such burial.

Section 6: Free Burial

6. The Municipality may, at the request of a magistrate, bury a body in such grave as it may deem fit and in such manner as is the Municipality's responsibility in terms of these by-laws or in terms of any other law.

Section 7: Hours of Admission for Visitors

- 7.1 Every cemetery must be open to the public daily from **07:00 to 16:00**:
Provided that the Municipality have the power to close any cemetery or part thereof to the public for such period as it may deem fit, if it is in the discretion of the Municipality and in the interest of the public to do so.
- 7.2 No person may be or remain in any cemetery or part thereof before 07:00 or after 16:00 or during any period when it is closed to the public.
- 7.3 The Municipality may announce the closing time of a cemetery with a siren.
- 7.4 Burials administered by the Islam faith may take place after these hours provided that it is organized by or through the relevant association.

Section 8: Children

8. No person under 12 years of age may enter any cemetery unless such person is under the supervision of a person of 18 years or older.

Section 9: Keeping of Paths

9. Except where otherwise stated, any person entering the cemetery must use the entrance and exit roads, the designated paths and designated parking areas provided in the cemetery.

Section 10: Entrance and Exit from Cemeteries

10. No person may enter or leave any cemetery except through the gates provided for that purpose and no person may enter any office, enclosure or nursery in a cemetery, except for official purposes.

Section 11: Distribution of Tracts or Advertisements

- 11.1 Subject to the provisions of section 11.2, no person may conduct any business, order or exhibit, distribute or leave any tract, business card or advertisement within any cemetery, or use any cemetery road, walk or concrete path for the conveyance of any goods, parcels or other material, except such as are intended for use in such cemetery.
- 11.2 The Municipality may allocate areas in the cemetery where advertising is permitted, subject to the specifications of the Deputy Director and the payment of fees for placement of such advertisements.

Section 12: Prohibited behavior within Cemeteries

12. No person may:
 - 12.1.1 commit any nuisance within any cemetery;
 - 12.1.2 ride any animal, cycle or quad bike within any cemetery;
 - 12.1.3 bring or allow any pet, fowl, bird or other animal to wander inside any cemetery. Any such pet, fowl, bird or animal found in any cemetery, may be destroyed or confiscated by the Municipality without paying any compensation to the owner thereof;
 - 12.1.4 plant, cut, pick or remove any plant, shrub or flower without the permission of the Assistant Cemetery Manager;
 - 12.1.5 hold or take part in any demonstration in any cemetery;
 - 12.1.6 interrupt any official, workman or labourer employed by the Municipality during the performance of his duties;
 - 12.1.7 obstruct, resist or oppose the Assistant Cemetery Manager in the course of his duties or refuse to comply with any order or request which the Assistant Cemetery Manager is entitled to in terms of these by-laws, to give or make;
 - 12.1.8 use or cause any cemetery to be used for any immoral or indecent purpose;
 - 12.1.9 practice any sorcery, witch-craft or Satanism or any other occult related activities or attend any rituals related thereto, within or in the immediate vicinity of a cemetery;

- 12.1.10 damage or deface any wall, building, fence gate, memorial work or other erection within the cemetery or stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery;

Section 13: Complaints and Notices

- 13.1 Any complaint should be in writing and addressed to the Deputy Director.
- 13.2 Any written consent, notice or other order issued by the Municipality in terms of these by-laws, must be signed by the Director or his delegate and is prima facie evidence thereof.

Section 14: Charges

14. The Municipality may, from time to time and as it deems fit, levy any charges in respect of the cemeteries and such charges must be payable to the Municipality in advance.

Section 15: Rights to Ground Within Cemeteries

15. No person may acquire any right or interest in any ground or grave in any cemetery, other than such rights or interests as may be acquired in terms of these by-laws, as right offered by the Municipality through a Public Private Partnership as defined in the Municipal Finance Management Act no 56 of 2003.

CHAPTER 2

BURIALS

Section 16: Application for and Purchase of the Use of a Grave

- 16.1 Any person desiring to have a body buried in a grave must make a written application on a form as required by the Municipality, subject to the provisions of sub sections 16.2 and 16.3
- 16.2 The application referred to in sub section 16.1, must be submitted to the Assistant Cemetery Manager, as follows:
- 16.2.1 during weekdays: - at least **one day** before burial;
- 16.2.2 during weekends: - not later than **12:00 the Thursday** preceding the burial;
- 16.2.3 burial arrangements may only be made with the Assistant Cemetery Manager between **08:00 and 14:00**
- 16.3 The application referred to in sub section 16.1 must be signed by the undertaker; provided that if the Assistant Cemetery Manager is satisfied that the signature of the undertaker cannot be obtained in time, he may, in his discretion, approve an application signed by any other interested person.
- 16.4 This application must be submitted 9 working hours before the burial, failing to which the Municipality may refuse the application. Applications for enlargement of a grave must also be submitted at least 9 working hours before the burials.
- 16.5 Notice of cancellation or postponement of a burial must be given at least 4 (four) hours before the burial, failing to which the applicant must pay an additional fee of fifty percent (50%) of the prescribed fee.

- 16.6 The Municipality may on payment of the applicable amount by the undertaker or the responsible person, approve the application and sell the use of any grave in a section of the cemetery.
- 16.7 Burials may only be executed under the direct charge of a registered undertaker and no private burials will be permitted.
- 16.8 The Assistant Cemetery Manager must keep a burial register in which the following is recorded in respect of each burial, where applicable;
 - 16.8.1 the section and grave number of the cemetery where the burial took place;
 - 16.8.2 the reference number of the burial order;
 - 16.8.3 The following information relating to the deceased:
 - a. Surname and Christian or given names;
 - b. Identity number;
 - c. Last known residential address;
 - d. Dates of birth and death;
 - 16.8.4 the date of burial or date of cremation;
 - 16.8.5 in the case of re-burials – the name of the cemetery exhumed;
 - 16.8.6 the date of exhumation;
 - 16.8.7 the account or receipt or reference number and amount;
 - 16.8.8 the name of the undertaker;
 - 16.8.9 the provider of a memorial and the date erected;
 - 16.8.10 the date of entry of data;
 - 16.8.11 any note related to the grave or memorial;

Section 17: Alteration of Particulars of Burial

- 17. Should the time and/or date previously determined for a burial change, notice of such alteration must be given to the Assistant Cemetery Manager at the cemetery at least one hour before the altered time for such burial.

Section 18: Dimensions of Grave Apertures

- 18.1 The fixed measurements of the grave apertures must be as follows:
 - 18.1.1 For the body of an adult:
 - Length: 2250 mm;
 - Breadth at shoulders: 750 mm;
 - Breadth at head: 600 mm;
 - Breadth at the feet: 450 mm.
 - 18.1.2 For the body of a child:
 - Length: 1350 mm;
 - Breadth at shoulders, head and feet: 535 mm.
- 18.2 Any person, requiring an aperture of dimensions in excess of that provided for in terms of sub section 18.1, must together with the notice of burial, give the measurements of the coffin, including fittings and pay the subsequent fees as determined for grave enlargements.

Section 19: Purchase of Graves

- 19.1 The Municipality may, at its discretion, sell to any person the use of any piece of ground for burial purposes in the cemetery as a single grave.
- 19.2 Any person desiring to purchase the use of any such grave or plot must make application to the Assistant Cemetery Manager, who may allot such grave, but subject to the provisions of these by-laws.

- 19.3 The Municipality will no longer permit the reservation of burial space due to the shortage of burial space. Only reservation of mausoleum graves will be considered.

Section 20: Consent of the Assistant Cemetery Manager to Transfer

20. No person may, without the written consent of the Assistant Cemetery Manager, sell or transfer to any other person any right relating to a grave, which he has obtained or may obtain in terms of these by-laws.

Section 21: Covering of casks

21. There must be at least one meter of earth between a coffin and the surface of the ground.

Section 22: Disturbance of Human Remains

22. Subject to the provisions of an exhumation order given in terms of any Act relating to the exhumation of bodies, no person may disturb any mortal remains or any ground surrounding it in any cemetery, without the permission of the Municipality.

CHAPTER 3

FUNERALS

Section 23: Religious Ceremonies

- 23.1 The members of any religious denomination may conduct religious ceremonies in connection with any burial or memorial service, subject to the control and by-laws of the Municipality.
- 23.2 Provision may be made for the burial requirements or procedures of different cultures or sections of the public but subject to the contents of these by-laws and the approval of the Deputy Director.

Section 24: Exposure of Bodies

- 24.1 No person may transport a body in an unseemly manner or expose such body or any part thereof in any street, cemetery or public place.
- 24.2 Any body being transported must be transported in a body bag or coffin in a vehicle or trailer approved by the medical official and such vehicle or trailer must be sealed in such a manner that no body fluids can escape.
- 24.3 No person may remove any coffin lid or slide in the cemetery.

Section 25: Instructions of Assistant Cemetery Manager

- 25.1 Every person taking part in any funeral procession or ceremony in a cemetery, must follow properly in file and must park his vehicle in such a place as indicated by the Assistant Cemetery Manager.
- 25.2 Should any undertaker, artisan or workman fail to execute any work in the cemetery to the satisfaction of the Assistant Cemetery Manager and fail to correct any such work after a written notice by the Assistant Cemetery Manager, the Assistant Cemetery Manager will inform the Deputy Director who may at his discretion prohibit such undertaker, artisan or workman to

enter the cemetery for the purpose of executing any work until such work has been rectified to the satisfaction of the Assistant Cemetery Manager.

Section 26: Music

26. No music may be made in any cemetery, except where it forms part of the burial or cremation ceremony.

Section 27: Hours of Burial

- 27.1 Subject to the Assistant Cemetery Manager's discretion not to allow a burial on a certain day, burials may be held on any day of the week, weekends and public holidays included.
- 27.2 Burials may only be held between 07:30 and 14:00, provided that the Assistant Cemetery Manager may, in exceptional circumstances, and in his discretion, approve burials before or after the specified times. Burials from the Muslim and Hindu community are excluded from this time rule.

Section 28: Numbers of Graves

28. No person may fix a peg on any grave not properly allocated in terms of these by-laws and no person may bury a body in any grave, which has not been indicated by the Assistant Cemetery Manager.

CHAPTER 4

EXHUMATION OF BODIES AND RE-OPENING OF GRAVES

Section 29: Exhumations

- 29.1 Subject to the provisions of any Act relating to the removal of gravestones and/or dead bodies, no grave may be opened without the written consent of the Municipality.
- 29.2 Subject to the provisions of section 21 or any other Act, no person may exhume or cause any body to be exhumed or removed without the written consent of the Medical Official.
- 29.3 The consent referred to in sub section 28.2 must be submitted to the Assistant Cemetery Manager at least two days before the date fixed for the exhumation or removal of such body.

Section 30: Time of Exhumation

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

Section 31: Screening of Activities

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

Section 32: Medical Official to be Present

32. No exhumation or removal by any person may take place unless the Medical Official is present.

CHAPTER 5

CARE OF GRAVES

Section 33: Shrubs, Flowers and Gardening

- 33.1 Any person may, with the permission of the Assistant Cemetery Manager, plant a shrub, perennial or annual upon any grave: Provided that no shrub, plant or flower may be cut or removed by any person without giving notice or making any payment of compensation to anybody.
- 33.2 Unless otherwise provided in these by-laws, the Municipality is responsible for keeping its public cemeteries in a neat and tidy condition.
- 33.3 Any person may garden on a grave subject to the directions and control of the Assistant Cemetery Manager and provided that:
 - 33.3.1 no trees or large shrubs may be planted on the graves;
 - 33.3.2 the graves must be left in a neat and tidy condition;
 - 33.3.3 the Assistant Cemetery Manager may in his discretion, remove dead or living plants, as well as receptacles, that are unsightly;
 - 33.3.4 the boundaries of other graves must not be encroached upon;
 - 33.3.5 the height of the grave and plants thereon must not exceed 300 mm at any time;
- 33.4 The holder of a grave is responsible to maintain the grave in question, but the Municipality will have the right to maintain any grave at its own costs.
- 33.5 In a berm or lawn section, no planting or mounding may be allowed.
- 33.6 Private contractors must apply for a work permit to enter any cemetery to maintain graves and will pay the relevant fees applicable to the issuing of such permit.
- 33.7 In a landscape section, no planting or mounding may be allowed, and only a standard grave marker with a standard concrete base will be allowed.

CHAPTER 6

ERECTION AND MAINTENANCE OF MEMORIAL WORK

Section 34: Written Consent of Assistant Cemetery Manager

34. No person may erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in any cemetery, without the written consent of the Assistant Cemetery Manager and the next of kin of the deceased.

Section 35: Position of Memorial Work

35. No person may erect any memorial work on any grave except in such position as the Assistant Cemetery Manager may direct or as otherwise provided for in these by-laws.

Section 36: Repairs of Memorial Work

- 36.1 The Assistant Cemetery Manager may in writing order the holder of any grave, should there be a holder, to make such repairs within a stated time that the Assistant Cemetery Manager, in his discretion, deems necessary.
- 36.2 Should there be no holder of a grave or a holder fails to do the necessary repairs the Assistant Cemetery Manager may make such repairs as he deems necessary and in the case of there being a holder then the holder will be responsible for the costs of the repairs effected by the Assistant Cemetery Manager.

Section 37: Damaging of Memorial Works

37. Subject to section 36 the Municipality is not responsible for any damage, which may at any time occur to any memorial work, and which is not due to the negligence of the Municipal employees.

Section 38: Bringing Material into the Cemetery

38. No person may bring into the cemetery any material for the purpose of construction therewith any memorial work on any grave unless and until:
 - 38.1 a sketch with the essential dimensions of 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 inscription, have been submitted to the Assistant Cemetery Manager at least three days prior to the date on which such material is intended to be brought into the cemetery;
 - 38.2 all charges due in respect of such grave or plot have been duly paid;
 - 38.3 the Assistant Cemetery Manager's written approval of the proposed work has been given to at the applicant; and
 - 38.4 the contractor is in possession of a valid permit to operate in the cemetery

Section 39: Cleaning-up of Memorial Works by the Municipality

- 39 Any memorial work placed, built, altered, decorated, painted, or otherwise dealt with in the cemetery in such manner that any provisions of these by-laws are

contravened thereby, may be removed by the Assistant Cemetery Manager without giving notice.

Section 40: Requirements for erection of Memorial Work

- 40.1 Any person engaged upon or erecting any memorial work, must effect such work to the satisfaction of the Assistant Cemetery Manager and must comply with the following requirements:
- 40.1.1 where any part of any memorial work is to be joined to any other part, iron dowels of approved thickness and of sufficient length must be used for such purpose. The holes into which the dowels fit should be at least 50 mm deep. (95 mm dowels);
 - 40.1.2 any part of such work, which rests upon the ground or any stone or other foundation, must be fairly squared and bedded;
 - 40.1.3 no stones of uneven thickness, or having any corner wanting may be used unless shown on the sketch submitted in terms of section 36.1;
 - 40.1.4 the base of all memorial work must be set at least 50 mm below the natural level of the ground;
 - 40.1.5 no curbstones may be used which protrude more than 225 mm above the surface of the ground or are more than 200 mm thick;
 - 40.1.6 all head and curbstones must be properly secured from the inside with iron pins;
 - 40.1.7 all headstones up to 150 mm in thickness must be securely attached to the base in an approved manner;
 - 40.1.8 all memorial work must be completed as far as possible before it is brought into the cemetery;
 - 40.1.9 in the case of single graves, foot curbs must consist of one solid piece;
 - 40.1.10 any memorial work must be constructed or made of marble, granite or any other material approved by the SABS and the Assistant Cemetery Manager;
 - 40.1.11 no person may do any stonework, chiseling or other work upon any memorial work not connected with the fixing of such work except where such work is expressly permitted by these by-laws;
 - 40.1.12 all memorial work must have an adequate concrete foundation traversing the head of the grave and where joints occur in the curbstone, all joints must be filled with good cement mortar;
 - 40.1.13 where memorial work has a base on ground level such base must be at least 900 mm wide by 250 mm by 250 mm;
 - 40.1.14 with the consent of the Assistant Cemetery Manager, the name of the maker may be affixed to any memorial work, provided that no address or other particulars may be added thereto;
 - 40.1.15 a memorial tablet to be erected on a grave 600 mm by 600 mm in extent, containing ashes of a cremated body, must consist of one solid piece of marble or granite or any other material approved by the SABS and Assistant Cemetery Manager, measuring 450 mm by 150 mm laid on a concrete foundation at least 100 mm deep.

Section 41: Inferior memorial work

- 41 The Council may prohibit the erection of a memorial work or may remove erected memorial work which is –
- (a) of inferior workmanship or quality;

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

Section 42: Inscription on memorial work

- 42.1 Any memorial work must display the number assigned to the grave by the officer-in-charge, in permanent and visible markings –
 - 42.1.1 on the side of the base of the memorial work; and
 - 42.1.2 on the upper surface, in the lower left hand corner, of a tablet erected on a grave in a landscape section.
- 42.2 The name of the maker, designer or erector of the memorial work may appear on the work and must be placed at the base of the memorial work.

Section 43: Conveying of Memorial Works

- 43 No person may convey any stone, brick or memorial work or any portion thereof within any cemetery upon any vehicle or truck which is not drawn or pushed and furnished with wheels having pneumatic tyres, and of a kind which, in the opinion of the Municipality, is not likely to damage the paths or grounds of the cemetery, provided that no such vehicle may be drawn or pushed along any path which in the opinion of the Municipality is too narrow or otherwise unsuitable for such vehicle.

Section 44: Vehicles and Tools

- 44 Every person engaged in any work upon any grave or plot, must provide such vehicles, tools and other appliances as may be required by him, provided that no such vehicles, tools or appliances may be of such a kind as to contravene these by-laws.

Section 45: Complying with Municipality's Directions

- 45 Every person carrying out any work within any cemetery must in all aspects comply with the directions of the Assistant Cemetery Manager.

Section 46: Prohibitions

- 46.1 No person may at any time leave rubbish, soil, stone or other debris within any cemetery or in any way damage or deface any part of any cemetery or anything contained therein.
- 46.2 No person may bring memorial work or material into the cemetery or do any work within the cemetery other than the dismantling of memorial work for burial purposes, except during normal working days at 07:00 to 16:00 on Mondays to Fridays.
- 46.3 No person may fix or place any memorial work during inclement weather or while the soil is, in the opinion of the Assistant Cemetery Manager, in an unsuitable condition.

Section 47: General

- 47.1 Any person charged with work or on his way to or from work within the cemetery, must, when requested to do so, produce the written permit, which has been issued to him in terms of these by-laws, to do such work.
- 47.2 No person may employ any person other than an artisan for the erection of any memorial work in any cemetery: Provided that the Deputy Director may issue temporary written permission for a period not exceeding twelve months, to any person who is not an artisan if he is satisfied that such person is capable of executing the work to the Assistant Cemetery Manager's satisfaction: Provided further that such written permission may at any time be withdrawn by the Deputy Director for whatever reason.
- 47.3 No person may commence the erection of any work in any cemetery unless he submits immediately before the commencement of the work to the Assistant Cemetery Manager, a permit to perform such work.
- 47.4 The Assistant Cemetery Manager may summarily stop the carrying out of any particular memorial:
 - 47.5 until the proof required in terms of section 46.3, is produced to him; or
 - 47.6 whenever he reasonably suspects that the provisions of the by-laws are not being adhered to.

CHAPTER 7

Section 48: Monumental Section

- 48. The Assistant Cemetery Manager may set apart in every cemetery, a section that will be known as the Monumental Section and to which the following apply:
 - 48.1 Subject to the provision of sub section 47.3, no person may, erect, place or leave upon or around any grave any railing, wirework, flower stand or other object of any kind without the consent of the Assistant Cemetery Manager. Frames may only be erected once the Assistant Cemetery Manager has approved the design and dimension thereof. The applicant may erect a frame with the understanding that he will be responsible for maintenance inside the frame. Such frame or material may be removed by the municipality and sold without giving notice if the structure and grave is not maintained to a satisfactory condition or if the frame or material is beyond reasonable standard, dangerous or unsightly in the Assistant Cemetery Manager's opinion.
 - 48.2 Subject to the provisions of sub section 47.3, no person may without the consent of the Assistant Cemetery Manager, place or leave on a grave any object in the nature of an ornament or embellishment.
 - 48.3 Flowers, whether natural or artificial, and whether loose or in vases or wreaths, may be place or left on a grave at any time.
 - 48.4 No curbstone may be laid in such a manner that it will be more than 230 mm above the surface of the ground or more than 205 mm deep.
 - 48.5 All curbstone must be properly dowelled and must be fixed in such a manner as to permit their easy removal, without danger of damaging the headstones or other memorial work on the grave.

Section 49: Berm Section

- 49. A section which has not been set aside in terms of section 48 will be known as the Berm Section and any memorial stone erected in this section, must not exceed 1038 mm in height and no kerbing or frames will be allowed. The headstones will

be mounted next to the concrete berm followed by lawn planted over the length of the grave. No kerbing, mounds or gardens are allowed on graves in the Berm Section.

Section 50: Landscaped Section

50. This Section makes provision for graves in a landscaped environment where graves are leveled and name plaques are embedded in the ground surface. There are therefore no tombstones, mounds or kerbing. This Section is typically laid out with gardens, trees, pathways and landscape ornaments with graves placed within the design. The specifications for the landscaped Section will be as follows:

- 50.1 The plaques, which are placed at the head of the grave, will be no more than 600 mm (W) x 1000 mm (L) in size.
- 50.2 Plaques may be constructed out of granite, marble, bronze, stainless steel or other hardwearing materials or a combination thereof as approved by the Assistant Cemetery Manager.
- 50.3 Plaques will be mounted on top of a 10 cm concrete foundation and concrete base.
- 50.4 No gardens may be made on top of graves except what is provided for by the Municipality.

Section 51: Burials on farms

51. No further burials will be permitted on farms where the municipality has established rural cemeteries for such purpose. Existing farm cemeteries will be deemed as closed as from 1 January 2006 and all burial needs emanating from such farmlands will be directed to the public cemeteries that will be allocated by the Municipality.

Section 52: Registration of undertakers

52.1 In order to encourage cooperation between the Municipality and undertakers, all undertakers that operate within Mogale City will be required to register with the Municipality. The undertaker has a role and responsibility to ensure that information supplied on applications is true and verified. The undertaker registration must be renewed annually during June.

52.2 A registration fee is payable and valid for a twelve-month cycle, and amended annually with cemetery fees. The registration fee will be payable for each branch and franchisee of an undertaker organization wishing to operate within any municipal cemetery.

52.3 The municipality will issue a permit subject to the following conditions:

- 52.3.1 A valid Certificate of Competence from the regulation 6 of the regulations relating to funeral undertakers premises published in Government Notice R237 dated 6 February 1985 (Government Gazette 9582)
- 52.3.2 A clearance is received from the Municipality's Health Section stating that all health regulations are adhered to.
- 52.3.3 The undertaker signs a memorandum of understanding with the municipality.
- 52.3.4 The registration fee is paid in full.

- 52.4 The Director of Integrated Environmental Management and the Deputy Director of Parks Management will have the delegated powers to authorize such permit.
- 52.5 As part of the memorandum of understanding, the undertaker will agree to adhere to all cemetery by-laws, policies and fee structures and to ensure that all information supplied is accurate and true. If any breach of this agreement is encountered on the side of the undertaker, such undertaker may be deregistered and suspended from any further burials in Mogale City and may also be fined in terms of section 60.

Section 53: Penalties

- 53 Any person contravening or failing to comply with any provisions of these by-laws and any person failing to comply with the conditions of any notice served on him by the Municipality in terms of these by-laws, is guilty of an offence and liable, on conviction, to a maximum fine of **R 10 000.00** or a maximum of six months imprisonment or as otherwise determine by a Court of Law.

Section 54: Repealing of previous By-Laws

- 54 This By-Law replaces all previous By-Laws, Notices and Resolutions related to cemeteries under the Mogale City Local Municipality jurisdiction. The Cemetery By-Laws implemented under the dissolved Krugersdorp Transitional Local Council and adopted by Council on 4 July 1995 is therefore repealed.

Recommended

It is recommended to the Mayoral Committee:

- 1.1 That the By Law related to Cemeteries be noted.
- 1.2 That the By-Law be referred for Council adoption.
- 1.3 That the Directorate of Corporate Services facilitates the publication of the By-Law in the Government Gazette by November 2005
- 1.4 That the Directorate of Public Safety legalise the fine determination for contraventions of the By Law through the local Magistrate by December 2005
- 1.5 That the Directorate of Integrated Environmental Management implement the By-Law from January 2006.

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MUNICIPAL MANAGER
MS. I. MOKATE
Recommended/ not recommended

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DATE

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PORTFOLIO HEAD:
INTEGRATED ENVIRONMENTAL MANAGEMENT
CLLR: B. MANELI

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DATE

Recommendation approved/ not approved due to the following reasons:

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THE EXECUTIVE MAYOR:
ADV. L. MOKGATLE
APPROVED/ NOT APPROVED

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DATE