

LEKWA LOCAL MUNICIPALITY



DRAFT BY-LAW RELATING TO CEMETERIES

The Council of Lekwa Local Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following By-law:

THE BY-LAW RELATING TO CEMETERIES

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1. DEFINITIONS

- (1) For the purpose of this by-law, unless the context indicates otherwise:

“adult”	means a deceased person over the age of 12 years, and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1.40m in length and 400mm in width;
“anatomy subject”	means a body delivered to an authorised school of anatomy in terms of the Anatomy Act, 1959;
“berm”	means a concrete base laid by the Municipality at the head of any grave, in a landscape section or a lawn section;
“body”	means the remains of any deceased person;
“burial order”	means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992)
“caretaker”	means a person or official appointed by the Municipality to be in charge of and to exercise control in or over a cemetery;
“cemetery”	means any piece of land or part thereof duly set aside and demarcated by the Municipality on an official plan for human burials within the area of the Municipality;
“child”	means a deceased person who is not an adult;
“Headstone”	A memorial work that is comprised of a slab placed on the head position of the interred body in the grave
“landscape section”	means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size. Such place shall have grass/lawn on the body position of the grave
“full memorial section”	means a cemetery or section of a cemetery which is not a landscape section or a lawn section;
“memorial work”	means any headstone, 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 Lekwa Local Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none"> a) acting in such a position; b) to whom the municipal manager has delegated the power, function or

duty in respect of such delegated power, function or duty;

“officer-in-charge”	means any person authorised by the Municipal Council to be in control of any cemetery;
“plot”	means any area laid out in any cemetery for not less than two and not more than ten graves adjoining each other, in respect of which the exclusive right to inter has been acquired in terms of this by-law;
“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 this by-law;
“private rights”	means the exclusive right to inter which has been granted in terms of subsection 7(1) of this by-law;
“registrar of deaths”	means any person appointed as registrar or assistant registrar of deaths in terms of the Birth and Death Registration Act, 1992;
“tariff of charges”	means any charges determined by Municipal Council from time to time.

2. DISPOSAL OF A BODY

- (1) No person shall, save without the prior written consent of the Municipal Council, dispose of or attempt to dispose of a body, other than by interment in a cemetery.
- (2) The Municipal Council reserves the right to provide for the separate burial of individuals in separate cemeteries or in separate areas of a cemetery, due to the existence of different religious and cultural groups.

3. CEMETERIES EXEMPTED FROM PROVISION OF THIS BY-LAW

- (1) The provisions of this by-law, other than that of subsection (2) and sections 2 shall not apply to any cemetery or section of a cemetery which –
 - (a) has been set aside by the Municipal Council for the interment of deceased persons who were members of the Hindu, Jewish or Moslem faith; and
- (2) The authorities operating and controlling interment processes in a cemetery as contemplated in subsection (1)(a), shall be liable to pay to the Municipal Council the appropriate charges prescribed in the applicable tariff of charges.

4. INTERMENTS

(1) PERMISSION OF INTERMENTS

- (a) No person shall inter a body in any cemetery or cause it to be so interred without the permission of the municipal officer-in-charge or without arranging a date and time for the interment with such officer.
- (b) Such permission shall not be granted unless –
 - (i) a copy of death certificate and burial order in terms of Births and Death Registration Act, 1992, has been issued and produced to the officer-in-charge;

- (ii) all appropriate charges prescribed have been paid; and
- (iii) an application is concluded with the responsible office in the municipality within 48 hours or two working days before the funeral.
- (iv) In considering the granting or refusal of the permission referred to in subsection (1), the officer-in-charge shall have regard to the customs of the people making use of the cemetery.

(2) APPLICATION FOR INTERMENT

- (a) Any person desiring to have a body interred shall in accordance with the provisions of subsections (2) and (3), submit to the officer-in-charge an application completed in the form prescribed by Council, signed by the nearest surviving relative of the deceased person or person authorised by such relative, or if the officer-in-charge is satisfied that the signature of such relative or person authorised cannot be obtained timeously, any other person who satisfies the officer-in-charge as to his/her identity and interest in the interment concerned.
- (b) Subject to the provisions of subsection (3), every application for interment shall be submitted at least forty-eight (48) hours or two working days before such interment.
- (c) Notice of any postponement or cancellation of any interment shall be given to the officer-in-charge not later than one hour before the interment was to have taken place.

(3) INTERMENT ONLY IN ALLOTTED GRAVE

- (a) Subject to the provisions of this by-law, no interment shall take place in any grave not allotted by the officer-in-charge.
- (b) No any other person other than the officer in charge shall have authority to re-arrange numbers at the grave yard without the permission of the officer in charge.
- (c) Where numbers were re-arranged by the officer in charge due to circumstances prevailing at the grave site on the day of burial, the correction of numbers shall be duly inserted in the graves register on the first working day after such change was effected.

(4) RESERVATION OF GRAVES

- (a) No plots shall be reserved in any public cemetery for exclusive use by a particular group, family, clan or whatsoever.
- (b) All graves sold by the municipality shall be used within thirty (30) days after application has been concluded with the officer in charge.
- (c) Where the two subparagraphs above are not possible for whatever, reasons, the officer in charge must be notified in writing and exact period of burial be furnished.
- (d) No burial plots will be sold without provision of death certificate and provision of burial order as indicated in 3 (1) (a) above.
- (e) Where a person claim to have private rights to a particular plot in a cemetery, such person shall be required to demonstrate with proof of such rights indicating the extent of plots or number of graves for which the rights are held to the officer in charge before interment can be so allowed.
- (f) The holder of rights referred to above shall be required to follow all other procedures provided above before an interment can be performed in any municipal cemetery.

(5) TRANSFER OR DISPOSAL OF RIGHTS

- (a) No one shall have a right to make arrangements to transfer burial rights to another person without the approval of the officer in charge.
- (b) Where such rights are transferred, the interment shall only be approved upon furnishing the officer in charge with the Death Certificate, Burial Order or any legal document that may be required in terms of Death and Birth Register Act or any other legislation applicable.

(6) MULTIPLE INTERMENT IN A SINGLE GRAVE

- (a) More than one interments in a single may be permitted in cemeteries where graves are dug up to 8ft deep: 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 to accommodate such.
- (b) The person making application for second interment shall-
 - (a) remove all memorial work on such grave at his/her 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 48 hours or two (2) working days written notice to the officer-in-charge in the form prescribed by Council of such interment, which period shall be calculated exclusive of any Saturday, Sunday and public holiday.

(7) DIMENSIONS OF GRAVES

Subject to the provisions of section 12 –

- (a) in any cemetery existing at, and the planning and layout of which have been completed prior to the commencement of this by-law –
 - (i) an adult's grave shall –
 - (aa) measure 2 400mm in length and 900mm in width, at ground level; and
 - (bb) have an excavation of 2 200mm in length, 1 800mm in depth and 770mm in width;
 - (ii) a child's grave shall –
 - (aa) measure 1 500mm in length and 600mm in width, at ground level; and
 - (bb) have an excavation of 1 400 mm in length, 1 500mm in depth and 400 mm in width;
- (b) in any cemetery existing at the coming into operation of this by-law but in respect of which the planning or the layout has not been completed, and in any cemetery established after such commencement of operation, an adult's grave in a memorial section shall –
 - (aa) measure 2 500mm in length and 1 500mm in width, at ground level;
 - (bb) have an excavation as set out in paragraph (a)(i)(bb);
- (ii) an adult's grave in a lawn section or a landscape section shall -

- (aa) measure 2 500mm in length and 1 200mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(i)(bb);
- (iii) a child's grave in a memorial section shall –
 - (aa) measure 1 500mm in length and 1 000mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(ii)(bb);
- (iv) a child's grave in a lawn section or a landscape section shall –
 - (aa) measure 1 500mm in length and 700mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(ii)(bb);

5. ENLARGEMENT OF GRAVES

- (1) Notwithstanding the provisions of Section 3
 - (a) if a coffin is too large to be accommodated within the excavation of an adult's grave, such excavation may be enlarged to a size which will accommodate such coffin;
- (2) If the excavation of a grave is to be enlarged, or deepened as contemplated in subsection (1), the officer-in-charge shall be notified accordingly, at least 48 hours before the interment, which period shall be calculated exclusive of any Saturday, Sunday and public holiday, and such notice shall be accompanied by payment of the appropriate fee.

6. COVERING OF COFFINS

- (1) There shall be at least 1 2 m 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 immediately after interment.

7. CONSTRUCTION OF COFFINS

- 1. No coffin intended to be placed in a grave shall be constructed of any material other than natural timber or bio degradable or decomposable material.

8. FUNERALS

8.1 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 with facilities such as chapel or whatsoever. Such service shall be restricted to not more than 30 minutes.

8.2 CONTROL OF HEARSE

- (1) No person shall 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.

8.3 CONVEYING OF BODIES

- (1) No person shall 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.

8.4 CONVEYING OF COFFINS

- (1) Every person who in terms of this by-law applies to have a body interred shall be responsible for ensuring that the coffin is conveyed to the grave.

8.5 COMPLIANCE WITH DIRECTIONS AT FUNERALS

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

8.6 DURATION OF SERVICES

- (1) No person shall occupy for more than 30 minutes any chapel in a cemetery for the purpose of a service or ceremony without the consent of the officer-in-charge.

8.7 FUNERAL HOURS

- (1) No funeral shall take place before the hour of 07h00 or after of 16h00 except for those of Islamic, Jewish or Hindu religion.
- (2) No funeral shall take place on a Christmas Day and Good Friday, except for those of Islamic, Jewish or Hindu religion

9. REOPENING OF GRAVES AND EXHUMATIONS

9.1 CONDITIONS OF EXHUMATION

- (1) No person shall –
 - (a) exhume or cause to be exhumed any body without the prior written consent of the Municipal Council and the approval of the responsible authority in terms of the national and provincial legislation.
 - (b) exhume or cause to be exhumed any-body without prior arrangement with the officer in charge and has submitted all required documents, which may be but not limited to:
 - (i) Approval of exhumation from the provincial department of health.
 - (ii) Permission of exhumation from the municipality
 - (iii)
 - (c) The officer in charge shall arrange such exhumation at times when there are no other funeral services on site.

- (2) If remains are to be exhumed from any grave, the officer-in-charge shall cause the grave to be excavated for such exhumation but shall not, except as provided by section 23, remove any body from the grave.
- (3) The removal of the body shall be the responsibility of the applicant or representative thereon
- (4) If a grave is required to be excavated for exhumation, the officer-in-charge shall be given at least 48 hours written notice of the proposed exhumation and such notice shall be accompanied by the appropriate charge prescribed.
- (5) The grave from which anybody is to be exhumed shall 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.
- (6) The person carrying out such exhumation shall ensure that the body and grave are properly disinfected and deodorised.

9.2 EXHUMATION AND RE-BURIAL BY THE MUNICIPAL COUNCIL AND OR OTHER PARTIES

- (1) 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 this by-law, the Council may, subject to the provisions of the national legislation and Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005, cause such body to be exhumed and re-interred in another grave: Provided that whenever possible a relative of the deceased person shall be notified of the intended re-interment and such relative shall be entitled to attend such re-interment.
- (2) Where in the opinion of Council provision of these by-laws where deliberately ignored, the costs of exhumation and reburial referred to in 2(1) above shall be claimed from the relative of the deceased person who applied for the initial interment.
- (3) All procedures in 1 above shall be done in compliance with the Dead Bodies and Graves Ordinance, 1925.
- (4) If the Premier of Mpumalanga Province consent to exhumation and re-burial, the Council may re-bury the remains in the grave and manner of its choice, subject to directives if any from the Premier or Provincial Health Department or the religious rites of the deceased at the costs of the relative of the deceased.
- (5) Council must notify the relative(s) of the deceased or the person who applied for the initial interment by letter, if their whereabouts are unknown advert in the national and local newspaper or radio station indicating its intention to exhume and rebury the remains of the deceased, stating reasons for such action.
- (6) Any party that wishes to exhume the remains of the deceased buried at municipal cemetery shall do so after satisfying the officer in charge that all the provisions of the Dead Bodies and Graves Ordinance of 1925, Section 14(1) of the Mpumalanga Cemetery, Crematoria and Exhumation of Bodies Act, 2005 and where applicable the order of the Court is provided.
 - (i) Municipality shall only consider application for exhumation when the requirements of the Ordinance mentioned in 6. above are satisfied.
 - (ii) Demonstrate to the municipality that the relatives of the deceased they intend to exhume have been notified accordingly.

- (iii) Where the deceased are unknown the applicant shall provide sufficient proof that attempts were made to trace the relatives, such proof may include but not limited to, Newspaper advertisement, radio and any other means appropriate.
- (7) The party applying to exhume for the purpose of burial shall provide to the municipality or officer in charge the permission to rebury the remains at another cemetery. Such permit shall clearly indicate the location of the cemetery and the authority in control of such cemetery.
- (8) Re-burial of remains that have been exhumed elsewhere shall be made in writing to the Director: Community Services or delegated official stating the following:
 - (i) The number and or names of the remains to be buried.
 - (ii) Permission granted by the Premier and or Provincial Department of Health or Court Order.
 - (iii) That the relatives of the deceased have been notified, clearly stating their names and where possible furnishing copies of their identity documents.
 - (iv) Where it is alleged that the whereabouts of the relatives are unknown, proof of tracing or contacting them shall be provided, which shall be not not limited to newspaper advertisement, radio and any other appropriate means.

10. GARDENING OF GRAVES AND OBJECTS ON GRAVES

- (1) No person other than the Council employee or representative shall garden any grave.
- (2) No person shall 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 at any time: 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/her staff may remove natural or artificial flowers and any receptacle placed on a grave, when they become withered, faded or damaged.
- (5) Council or its representative shall remove any objects and or receptacles that are placed on the grave without prior arrangement with the municipality or are placed in contravention of (c) above without notifying anybody concern.

11. MEMORIAL WORK

11.1 ERECTION OR RE- ERECTION OF MEMORIAL WORK

- (1) No person shall, without the prior written consent of the officer-in-charge, erect any memorial work in any cemetery under the control of Govan Mbeki Municipality.
- (2) Application for consent in terms of subsection (1) shall be made at least five working days before the proposed date of the erection to the officer-in-charge in the form prescribed by Council 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 apply *mutatis mutandis*.
- (4) Save with the permission of the officer-in-charge, no work on any memorial work shall be performed on a Saturday, Sunday of public holiday, or at any time between the hours 17h00 and 09h00.

- (5) No person shall 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 shall 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 shall 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.
- (9) No memorial work extending beyond 765 mm measured from the head and along the length of the grave in a memorial section shall be erected unless all the appropriate charges have been paid.
- (10) No full memorial work shall be allowed at any section considered to be berm or landscape area.
- (11) Only headstones shall be permitted to be erected at a berm or landscape area or section of the cemetery and no headstone only shall be allowed on a section demarcated as full memorial by the municipality.

11.2 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.

11.3 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 tablet.
- (2) The only particulars of the maker of memorial work, which may appear thereon shall be his/her name, which shall be placed at the base of the memorial work.
- (3) No inscription with insulting or negative racial connotations shall be permitted at the cemetery under the control of Govan Mbeki Municipality

11.4 DISMANTLING OF MEMORIAL WORK

- (1) Subject to the provisions of this section, no person other than the holder of private rights or a person authorised 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 shall not be left in any part of the cemetery except on the grave on which such memorial work had been erected: Provided that this 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 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 Municipal Council may give 30 days written notice to such holder or person requiring him at

his/her 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 this by-law, or has become damaged, the Council may give written notice to the holder or person referred to in subsection (1), requiring him at his/her own expense, to render such memorial work safe or to alter such memorial work so that it complies with the provisions of this by-law 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 shall be liable for any costs incurred by the Council in doing any act in terms of this subsection.
- (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 shall 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 shall be liable for any costs incurred by the Municipal Council in doing any act in terms of subsection (6).
- (9) If the holder or person referred to in subsection (1) fails to pay to 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.

11.5 GENERAL REQUIREMENTS OF MEMORIAL WORK

- (1) Any person who erects or re-erects memorial work shall 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 galvanised 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 50 mm 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 230 mm above the ground level; and
- (d) if loose stone chips are placed on a grave, the level of such stone chips shall not be higher than 15 mm below the level of the surrounding kerb stone.

11.6 REQUIREMENTS FOR MEMORIAL WORK IN BERM/LANDSCAPE/LAWN SECTION

- (1) The following provisions shall apply to memorial work and graves in a lawn section:
 - (a)
 - (i) The dimensions of the base of any headstone on an adult's grave shall not exceed 915 mm length and 255 mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 800 mm in length and 255 mm in width.
 - (ii) the dimensions of the base of any headstone on a child's grave shall not exceed 610 mm in length and 255 m in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 200 mm in length and 255 mm in width.
 - b) no portion of any headstone shall extend beyond the horizontal dimensions of its base;
 - c) headstones shall only be erected on the berms provided by the Council;
 - d) no part of any memorial work other than the headstone shall exceed 1 070 mm in height above the berm;
 - e) any headstone shall be so positioned that the front edge of the base of the headstone is at least 130 mm from the front edge of the berm;
 - f) 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 300 mm in height and its horizontal dimensions shall not be more that 60 mm greater that its base;
 - g) no kerb demarcating any grave and no slab covering any grave shall be permitted.

11.7 REQUIREMENTS FOR MEMORIL WORK IN MEMORIAL SECTION

- (1) In a cemetery existing at the coming into operation of this by-law, the maximum horizontal measurements of any memorial work erected on a grave in a memorial section shall be:
 - (a) in the case of an adult's grave, 2 500 mm in length and 1 050 mm in width;
 - (b) in the case of a child's grave, 1 500 mm in length and 600 mm in width.
- (2) In a cemetery established after the coming into operation of this by-law, the maximum horizontal measurements of any memorial work erected on a grave in a memorial section shall be:
 - (a) in the case of an adult's grave, set out in subsection (1)(a);
 - (b) in the case of a child's grave 1 500 mm in length and 1 000 mm in width, with a kerb width of 150 mm.

11.8 REQUIREMENTS FOR MEMORIAL WORK IN LANDSCAPE SECTION

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

11.9 SUPERVISION OF WORK

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

12. PROHIBITED ACTS

- (1) No person:
 - (a) under 12 years of age shall enter any cemetery except in the care of a person over the age of 16 years;
 - (b) shall enter or leave any cemetery except by the gateways provided.
- (2) No person shall, 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 of advertisement;
 - (c) sit, stand, climb upon, or deface or damage any memorial work of 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 or parking 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 20 km per hour;
 - (j) obstruct, resist or oppose the officer-in-charge or any member of his/her staff in the exercise of his/her powers or performance of his/her duties under this by-law, or refuse to comply with any lawful order or request of the officer-in-charge or any member of his/her 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/herself in a manner not in keeping with the atmosphere of a cemetery.

13. LIABILITY OF THE MUNICIPAL COUNCIL IN RESPECT OF INJURY OR DAMAGE

- (1) The Council shall 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 wilful misconduct of or a negligent act of commission by an employee of the Municipal Council.

14. INDIGENT BURIAL

- (1) If a person has died in indigent circumstances, and if no relative or other person can be found to bear the burial costs of such deceased person, the Municipal Council may provide a grave free of charge for the interment of such person.
- (2) Interment of such person shall only take place on Monday-Thursday at category C cemetery anywhere under control of the Lekwa Local municipality.

15. CEMETERY HOURS

- (1) Every cemetery shall be open to the public during such hours as are indicated on a notice board at each gate of such cemetery: Provided that the officer-in-charge shall be entitled at any time to close off any cemetery or part thereof to the public for such period for such purpose as he may deem fit. The operating hours shall be **06:00-16:00 Monday-Sunday**.

16. OFFENCES AND PENALTIES

- (1) Any person who:

- (a) conceals any other fact or document in connection with an application for interment;
- (b) makes any false statement in his/her written application for interment;
- (c) fails to comply with any provision of this by-law; shall be guilty of an offence and liable on conviction to a penalty not exceeding **R 2 000**, or in default of payment, to imprisonment for a period not exceeding **three (3) months** or to both such fine and imprisonment.

17. REPEAL OF THIS BY-LAW

- (1) The By-laws relating to Cemeteries for the Lekwa Local Municipality, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

18. SHORT TITLE

- (1) This By-law shall be called the Cemetery By-law 2015.