

GENERAL NOTICE 855 OF 2026

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS**

**PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS
OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Speed Katishi Mashilo, in my capacity as Member of the Executive Council responsible for Co-operative Governance, Human Settlements and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws for Lekwa local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Lekwa Local Municipality

1. Fire By Law
2. Integrated Waste Management By Law
3. Cemetery By Law
4. Streets, Public Places and The Prevention of Noise

Given under my hand at Mbombela, on 29/06/ 2026



MR SK MASHILO (MPL)

**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS AND TRADITIONAL AFFAIR**



LEKWA LOCAL MUNICIPALITY

CEMETERY BY LAW AND TARIFFS 2022

CORNER BEYERS NAUDE AND MBONANI MAYISELA STREET,
STANDERTON,
2430

Preamble

The municipal manager of Lekwa Local Municipality hereby publishes the Cemetery By-laws for the Lekwa Local Municipality in terms of section 13(a) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) as approved by its council, as set out hereunder.

Purpose

To provide for the establishment and management of cemeteries in the Lekwa Local municipality, and matters connected therewith.

Be it enacted by the Lekwa Local municipality, as follows:-

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Chapter 1 Interpretation

1 Definitions

"adult" (where the word is used to describe a corpse) means a corpse buried in a coffin that will fit into a grave for adults as contemplated in section 10;

"ashes" means the remains of a corpse after it has been cremated;

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

"body" means the remains of any deceased person;

"burial" means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in this By-law;

"burial order" means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) authorising a burial;

"caretaker" means the officer appointed by the Municipality to supervise and control a cemetery or cemeteries, and his or her delegates;

"cemetery" means land or part thereof, including the buildings and works thereon, that is owned and controlled by the Municipality, duly set aside and reserved for burials and made available for public use from time to time for burials;

"child" (where the word is used to describe a corpse) means a corpse that is being buried in a coffin that fits into a grave for a child as contemplated in section 10;

"columbarium" means a memorial wall or a wall of remembrance provided by the Municipality for the burial of ashes;

"corpse" means any dead human body, including the body of a stillborn child; **"grave"** means a piece of land in a cemetery laid out, prepared and used for burial;

"holder" means a person to whom a reservation certificate for a specific grave has been issued in terms of a law repealed by section 24;

"landscape section" means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 30;

"Medical Officer of Health" means the officer appointed by the Municipality from time to time in such position and his or her delegates;

"memorial work" means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

"Municipality" means the Lekwa Local municipality;

"niche" means the cavity in a columbarium provided for the burial of ashes; **"plaque"** means a tablet erected on the columbarium for identification purposes;

"officer-in-charge" means any person authorised by the 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;

"prescribed fees" means the fees as determined from time to time by the Municipality through resolution;

"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 3(10) of this by-law;

"public grave" means any grave in a cemetery which is not a private grave;

"registrar of deaths" means any person appointed as the registrar or assistant registrar of deaths in terms of the Birth and Death Registration Act, 1992;

"resident" means a person who at the time of his or her death, was ordinarily resident within the Municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the Municipality;

"responsible person" means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the

signature of such relative or authorised person cannot be obtained timeously to complete the necessary application forms, another person who satisfies the caretaker as to his or her identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of this By-law; and

tariff of charges" means any charges determined by Council from time to time.

Chapter 2

2 Establishment

- (1). The municipality may from time to time set aside, acquire, or develop any ground for the purpose of establishing a cemetery.
- (2). The municipality may allocate and set apart portions of the cemetery for different religious groups.
- (3). The municipality must always ensure that sufficient burial space is available for the burial of bodies within the service area.
- (4). The municipality is responsible for the maintenance of all cemeteries and for repairing damage to the cemetery other than the maintenance and repair of memorial work.
- (5). The cemetery services may be suspended by the municipality for maintenance or repair but only after reasonable notice has been given by it, of its intention to do so:
 - a. Notice should be published in a newspaper, in an official language, circulating in the municipality and specifying that an objection to the suspension may be made in writing to the municipal manager within 30 days of the publication of the notice
 - b. Suspension may not be made unless there is another active cemetery in the same category that is available to the public in the services area as an adequate temporary substitute.

Chapter 4 Management

3 Hours for burial

- (1). Subject to paragraph (b) burial may take place only between 07h00 and 16h00.
- (2). The Officer-in-charge may, on such conditions as he or she may determine, and on payment of the prescribed fee, permit to bury outside the stipulated hours.

4 Register

- (1). A register of graves and burials shall be kept by the caretaker and such register shall be completed as far as possible immediately after a burial has taken place, regarding the prescribed particulars contained in the burial order concerned.

5 Numbering of graves

- (1). All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 6, shall be numbered by the Municipality.
- (2). The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

6 Reservation of a grave

- (1). Reservation of a grave must be made with the office-in-charge.
- (2). A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (3). The officer-in-charge must allocate another grave within the cemetery to the surviving spouse where a third party mistakenly utilized the reserved grave.
- (4). A grave will be reserved only upon payment of the prescribed fee.

7 Private rights

- (1). The holder of private rights includes a person:
 - a. a person who purchased a grave or who received a grave as a gift from the purchaser and whose;
 - b. the name appears in the register of the Council;
 - c. who paid the prescribed burial fees in respect of the first burial in the grave;
 - d. to whom private rights to a grave have been transferred;
 - e. who inherited the private rights;
- (2). The private rights in a grave are transferable, but such transfer only becomes effective on registration by the Council.
- (3). If there is a dispute about the holder of private rights, the dispute must be referred to the officer in charge for determination

8 Transfer of reserved rights

- (1). A reserved right as contemplated in section 6 may not be transferred without the prior written approval of the Municipality.
- (2). Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.

- (3). If the application is granted, a certificate will be issued in favour of the transferee who will become the holder.
- (4). The reserved right may be cancelled on request of the holder and if the request is approved by the Municipality, the amount paid by the holder (if any), minus 10 % administration fees, will be refunded to the holder.

Chapter 3 Burials

9 Requirements for disposal of a body

- (1). No person shall dispose of or attempt to dispose of a body, other than by burial in a cemetery.
- (2). A person may not bury or cremate a body in a cemetery without:
 - a. the permission of the officer-in-charge and;
 - b. arranging a date and time of such burial with such officer-in-charge;

10 Application for burial

- (1). A person intending to bury a body must complete and submit the prescribed application form to the officer-in-charge for approval.
- (2). The next of kin of the deceased, or such other person who is authorized by the next of kin of the deceased, must sign such application:
 - a. Despite the provisions of paragraph (b), the officer-in-charge may, if he or she is satisfied that the signature of the next of kin cannot be obtained timeously, approve an application by an interested party;
 - b. The applicant must –
 - i. apply at least three working days before the burial;
 - ii. indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and
 - iii. indicate the date and time for such burial;
- (3). The officer-in-charge must approve an application if:
 - a. it is accompanied by an original burial order in terms of the Births and Registration Act;
 - b. the prescribed fee has been paid; and
 - c. an application in terms of subsection (1) has been submitted;
- (4). The officer-in-charge must, where necessary, consider the customs of the deceased, and the people responsible for the burial.

11 Postponement or cancellation of a burial

- (1). An applicant must give notice of the postponement or cancellation of burial, by completing the prescribed application form, to the officer-in-charge, who must approve the application at least one working day before the burial.
- (2). In a case of a cancellation of a burial:
 - a. refund will not be made to the applicant for costs incurred for opening an existing grave;
 - b. the Council will only refund the applicant for costs incurred for opening a new grave;

12 Burial and subsequent burials

- (1). Burial may take place only in a grave allocated by the officer-in-charge.
- (2). Subject to paragraph (a), not more than two burials may be permitted in a grave;
 - a. A third burial may be allowed only if:
 - i. an application has been made to the officer-in-charge and written permission has been granted;
 - ii. the grave has been deepened; and
 - iii. a prescribed fee has been paid;
- (3). A person who has been permitted either a second or third burial must:
 - a. give at least two days' notice; and
- (4). at his or her cost remove, and, after the burial, replace all memorial work on such a grave;

13 Number of bodies in a coffin

- (1). Only one body in a coffin is allowed for burial or cremation.
- (2). Burial of more than one body in a coffin may be allowed if the application is made to and approved by the officer-in-charge and the prescribed fee has been paid;

14 Dimension of graves

- (1). Subject to sections 8 and 12, the standard sizes of new graves area are as follows:
 - a. The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long and 800 mm wide;
 - b. The excavation of a grave for a child shall be at least 1400 mm deep, 1500 mm long and 700 mm wide;

15 Enlarging and deepening a grave

- (1). If a grave of a greater depth, length and width than those specified above is required, an application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker, together with the application to obtain permission for burial.
- (2). The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep, 2300 mm long and 800 mm wide.
- (3). Permitted deviation from measurements of graves shall be as follows:
 - Extra-wide 2300 mm long - 840 mm wide;
 - Extra-long 2530 mm long - 760 mm wide;
 - Rectangular small 2300 mm long - 810 mm wide;
 - Rectangular big 2400 mm long - 900 mm wide;
 - Brick-nogging 2600 mm long - 1050 mm wide;
- (4). 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.

16 Coffins

- (1). Coffins to be placed in a grave must be made of natural wood or other perishable material.

17 Covering of coffins

- (1). Every coffin must be covered with at least 300 mm of soil immediately after burial;
- (2). There must be at least –
 - a. 1 200 mm of soil between a coffin of a buried adult and the surface of the ground; or
 - b. 900 mm of soil in the case of a coffin of a child.

18 Burial of ashes

- (1). Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra-deep grave as contemplated in section (10): Provided that a coffin does not exceed

the average body weight of 70 kg and that the grave is readjusted to the prescribed depth and measurements.

- (2). No person shall execute a burial or cause a burial of ashes to be executed in a cemetery unless written approval for the burial has been obtained, a specific grave or niche has been allocated for the burial and a date and time for the burial has been arranged with the caretaker.
- (3). Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or another facility, shall be made to the caretaker on the prescribed application form.
- (4). Niches shall be allocated by the caretaker strictly in the order in which the applications, therefore, are received and no reservations for future use shall be made.
- (5). An application for permission for burial must be submitted at least 24 working hours before the planned burial, failing which the caretaker may refuse the application.
- (6). An urn or casket containing ashes that have been deposited in a building, columbarium or another facility shall not be removed without the caretaker's prior written consent.
- (7). Every niche containing ashes shall be sealed by a tablet approved by the Municipality and shall only be opened to withdraw an urn or casket contained therein for disposal elsewhere, or to deposit an additional urn or casket therein where after it shall once again be sealed.
- (8). Application for the opening of a niche shall be made to the caretaker on the prescribed application form.
- (9). No person shall introduce any material into the columbarium to construct or erect any memorial work therein, unless and until:
 - a. approval for the burial has been obtained;
 - b. approval for the erection of the memorial work has been obtained in terms of the provisions of section (25); and
 - c. the prescribed fees have been paid;

- (1). Any person engaged in any work on the columbarium shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in section 3.
- (2). No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.
 - a. The columbarium may be visited daily during the official hours set out in section 3.
 - b. Plaques shall be made of material approved by the Municipality and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

CHAPTER 4 Cremation

19 Cremation

- (1). Cremation within the Municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the provisions of the Cremation Ordinance, 1926 (Ordinance No. 6 of 1926).

Chapter 4 Funerals

20 Religious or memorial services

- (1). A person who desires to have a religious or memorial service at a cemetery or crematorium must apply to the officer-in-charge and pay the prescribed fee.

21 Control of hearses at the cemetery

- (1). No person in a cemetery may:
 - a. drive a hearse or cause a hearse to be driven except on a designated roadway;
 - b. park a hearse or detain a hearse on a roadway after the coffin has been removed from the hearse; or
 - c. park a hearse in such a manner that it interferes with other burials in progress;

22 Conveyance of coffins and bodies

- (1). An applicant in terms of section 5 is responsible at his or her own cost for ensuring that a coffin is conveyed to the cemetery for burial or to the crematorium for cremation.

- (2). No person may in any street, cemetery, crematorium or another public place disrespectfully convey a body.

23 Instructions at cemeteries

- (1). The officer-in-charge at the cemetery may issue instructions relating to:
- a. the parking of vehicles;
 - b. a funeral procession;
 - c. the duration of service;
- (2). Every person taking part in a funeral procession at the cemetery, or attending a cremation service, must comply with all reasonable instructions of the officer-in-charge.

24 Duration of service

- (1). No person may occupy a chapel at a cemetery for a funeral service or cremation, for more than 30 minutes, without the permission of the officer-in-charge.

Chapter 5 Re – opening of graves and exhumations

25 Conditions of exhumations

- (1). No person shall –
- a. without the written approval contemplated in section 3 of the Exhumation Ordinance, 1980 (Ordinance No. 12 of 1980), and then only after notifying the Municipality, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed.
 - 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 are not limited to;
 - i. Approval of exhumation from the provincial department of health.
 - ii. Permission of exhumation from the municipality.
 - c. The officer in charge shall arrange such exhumation at times when there are no other funeral services on site.
- (2). A member of the South African Police Services must always be present when an exhumation is being conducted.

- (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 of 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 deodorized.
- (7). The South African Police Services must
 - a. if there is proof of illegal burial immediately exhume the body; and
 - d. take it to a government mortuary for investigation.
- (8). A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (9). A Commonwealth war grave may only be exhumed per the provisions of section 3 of the Commonwealth War Graves Act, 1992.

26 Exhumation and reburial

- (1). If in the opinion of the Council, the exhumation of anybody 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 the Council provision of these by-laws were deliberately ignored, the costs of exhumation and reburial referred to in 22(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). The 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 the 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.
- a. The municipality shall only consider the application for exhumation when the requirements of the Ordinance mentioned in 6 above are satisfied.
 - b. Demonstrate to the municipality that the relatives of the deceased they intend to exhume have been notified accordingly.
 - c. Where the deceased is unknown the applicant shall provide sufficient proof that attempts were made to trace the relatives, such proof may include but is not limited to, Newspaper advertisement, radio and any other means appropriate.
- (7). The party applying to exhume for burial shall provide to the municipality or officer in charge the permission to rebury the remains at another cemetery. Such permit shall 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;
- a. The number and or names of the remains to be buried.
 - b. Permission granted by the Premier and or Provincial Department of Health or Court Order.

- c. That the relatives of the deceased have been notified, clearly stating their names and where possible furnishing copies of their identity documents.
- d. 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 a newspaper advertisement, radio and any other appropriate means.

27 Screening of exhumation

- (1). A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2). The person carrying out the exhumation must provide a suitable receptacle for each body or remains.
- (1). .

Chapter 6 Memorial Work

28 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.
- (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 or 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 a 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 a full memorial by the municipality.

29 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 and is in any way likely to disfigure any cemetery.

30 Inscription 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 the 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.

31 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 form 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 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

32 General requirements for memorial work

- (1). A person engaged in the erection of memorial work in a cemetery, shall –
 - a. make arrangements beforehand with the caretaker about the date and time of the intended erection;

- a. ensure that all separate parts of any memorial work other than masonry- construction are affixed by copper or galvanised iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
- b. ensure that any part of such work which rests upon any stone or other foundation is fairly squared and pointed;
- c. ensure that the underside of every flat stone memorial and the base or landing of every headstone is set at least 50 mm below the natural level of the ground;
- d. ensure that all headstones are securely attached to their bases;
- e. ensure that flat stones consist of one solid piece in the case of all graves;
- f. ensure that all headstones consist of granite, marble, bronze or any other durable metal or stone approved by the Municipality;
- g. ensure that all curbing or memorial work on graves are erected on concrete foundations at least 1210 mm wide and 200 mm deep over the full width in the case of adults' graves and 910 mm wide and 200 mm deep in the case of children's graves;
- h. ensure that the sizes of monumental tombstones (all- inclusive) are:
 - Single grave 2440 mm long - 1070 mm wide;
 - Child grave 1400 mm long - 800 mm wide;
 - Double grave 2440 mm long - 2290 mm wide;
- i. ensure that all curbs on larger graves than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;
- j. ensure that any concrete foundation on any grave, upon instruction of the Municipality, is reinforced where it is considered necessary owing to the weight of the memorial work.
- k. No person shall erect any memorial work within a cemetery, unless the number and section-letter of the grave upon which such work is to be erected, are engraved thereon in such a position that it will be always legible from a pathway, and, only with the consent of the family

of the deceased, the name of the maker of such memorial work may be placed upon any footstone.

- l. Memorial work shall be constructed and erected in a cemetery only during the official office hours as contemplated in section 3.
- m. No person shall fix or place any memorial work in a cemetery during inclement weather or where the soil is in an unsuitable condition.
- n. Every person carrying out work within a cemetery shall under all circumstances comply with the directions of the caretaker.
- o. The Municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery: Provided that in any case where any memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this By-law, shall be executed at the expense of the Municipality.

33 Requirements for memorial work in the memorial section

- (1). Graves of war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognised body or by the government of any foreign country, shall upon application to the Municipality, be exempted from the requirement of payment of the prescribed fees.
- (2). 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 700 mm in width.
- (3). 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 (2)(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.

Chapter 7 Maintenance

34 Maintenance of graves

- (1). A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person.
- (2). Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the cemetery, the Municipality may by written notice addressed to the responsible person by registered post at his or her last known postal address, require of him or her to effect such repairs as may be considered necessary.
- (3). On failure to effect the required repairs within 1 month of the date of such notice, the Municipality may have the repairs effected or may have the memorial work removed as it deems fit and may recover the costs for such repairs or removal from the responsible person.
- (4). Unless otherwise provided for in this By-law, the Municipality shall be responsible for keeping cemeteries in a neat condition.
- (5). The grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker: Provided that the Municipality shall maintain the grave, as part of the cemetery, at its own cost and per its standards and programs.

CHAPTER 8 General conduct in cemeteries

35 General conduct in cemeteries General conduct in cemeteries

- (1). No person under the age of 12 years shall enter a cemetery unless he or she is in the care of an adult or with the approval of the caretaker.
- (2). No person shall enter or leave any cemetery, except through the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.

- (3). No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of this By-law.
- (4). No person shall carry on any trade or hawking activity, solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within 30 m of the boundary of any cemetery, except with the written approval of the Municipality and on such conditions as the Municipality may determine.
- (5). No person shall sit, stand, or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.
- (6). No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.
- (7). No person shall bring into or allow any animal to enter any cemetery, and any animal found in a cemetery may be impounded.
- (8). Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment, volume and the type of music to be played, shall be adhered to.
- (9). No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the Municipality, whilst acting in the course of his or her official duty, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Municipality.
- (10). No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.
- (11). No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill, or placard upon or in any manner defaces any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.

- (12). No person shall bribe or try to bribe any employee in the service of the Municipality regarding any matter in connection with a cemetery or burial, neither with money, gifts or any other benefit.
- (13). No person shall, except where expressly permitted by this By-law, or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- (14). No person shall play any game or take part in any sport, or discharge any firearm, except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.
- (15). No musical instrument shall be played in a cemetery without the consent of the caretaker.

CHAPTER 9 Miscellaneous

36 Injuries and damages

- (1). A person using a cemetery shall do so at his or her own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the usage of the cemetery.

37 Firearms and traditional weapons

- (1). No firearm or traditional weapon shall be allowed in a cemetery.

38 Penalty clause and expenses

- (1). Any person contravening or failing to comply with any of the provisions of this By-law, shall be guilty of an offence and upon conviction by a court be liable to a fine or imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.
- (2). Any expense incurred by the Municipality because of a contravention of this By-law, or in the doing of anything which a person was directed to do under this By-law, and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

39 Repeal of laws and savings

- (1). The following laws are hereby repealed:
- (2). Any permission obtained, right granted, the condition imposed, an activity permitted, or anything done under a repealed law shall be deemed to have been obtained, granted, imposed, permitted, or done under the corresponding provision (if any) of this By-law, as the case may be.

40 Short title

- (1). This By-law shall be called the Lekwa Local Municipality Cemeteries By-Law, 2022.

Schedule 1: Cemetery Tariffs

CEMETERY TARIFFS				
During the week & Saturdays, After hours on weekdays & Saturdays Sundays and public holidays				
PURCHASE OF A 6 FEET GRAVE	2021/2022		2022/2023	
	7,389.73	85,505.28	8,088.80	93,594.08
1. Persons residing within the municipality area of Lekwa at time of death:	2021/2022		2022/2023	
Single burial				
Adult	54.23	627.52	59.36	686.88
Child	30.73	355.59	33.64	389.23
Second burial in same grave				
Adult	37.96	439.26	41.55	480.82
Child	16.27	188.25	17.81	206.06
2. Persons residing outside the municipality area of Lekwa at time of death:	2021/2022		2022/2023	
Single burial				
Adult	104.85	1,213.20	114.77	1,327.97
Child	103.04	1,192.28	112.79	1,305.07
Second burial in same grave				
Adult	65.08	753.02	71.24	824.25
Child	37.96	439.26	41.55	480.82
3. RESERVING OF GRAVES	2021/2022		2022/2023	
For the right to reserve a grave plot, per grave	57.85	669.35	63.32	732.67
4. INCIDENTAL CHARGES	2021/2022		2022/2023	
Persons residing within the municipality Area of Lekwa at time of death	25.31	292.84	27.70	320.54

People residing outside the municipality Area of Lekwa at time of death	45.19	522.93	49.47	572.40
5. Transfer	2021/2022		2022/2023	
For the opening of a grave to transfer a body To another grave	36.16	418.34	39.58	457.92
Transfer of private grave	9.04	104.59	9.89	114.48
6. Enlargement	2021/2022		2022/2023	
For the deepening of the grave to 2.5 meters an Additional amount of	25.31	292.84	27.70	320.54
7. Crematorium	2021/2022		2022/2023	
For use of the crematorium and registration of each cremation				
Persons residing within the municipality Area of Lekwa at time of death	36.16	418.34	39.58	457.92
People residing outside the municipality Area of Lekwa at time of death	50.62	585.68	55.41	641.09
8. Headstones	2021/2022		2022/2023	
Application for consent to erect memorial headstones (also for memorial headstones at memorial wall)				
Per gravestone (single or double) per application	25.31	292.84	27.70	320.54
For a burial on a Saturday or after an additional amount of time	122.93	1,422.37	134.56	1,556.92