

# **LAOIS COUNTY COUNCIL**

## **CEMETERY BYELAWS 2007**

Adopted by the Members of the Council on 24<sup>th</sup> September 2007.

# LAOIS COUNTY COUNCIL CEMETERY BYELAWS 2007

Made by the Council of the County of Laois under the Local Government Act 2001 for the Regulation of Cemeteries in the County of Laois.

## INTERPRETATION OF TERMS

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

“The Council” shall mean the Council of the County of Laois.

“Cemetery” shall mean any cemetery or burial ground under the control or in the ownership of the Council.

“Gravespace” shall mean an area 2.5m (8ft) long by 1.2m (4ft) (excluding beam dimensions) designated for the burial of persons.

“Lawn Cemetery” shall mean a cemetery or part of a cemetery wherein kerbs or other such items shall not be permitted to be placed and where all parts of the cemetery comprising burial plots shall be maintained as grassed areas.

“Plot” shall mean an area of a cemetery consisting of one or three gravespaces otherwise described as a single plot or a family plot.

“Registrar” or “Caretaker” shall mean the Registrar or Caretaker at the time being of any cemetery under the control or in the ownership of the Council.

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

“Beam/foundation” means support for headstone/monument where already provided in the cemetery.

## APPLICATION OF BYELAWS

2. These byelaws shall apply to all cemeteries under the control or in the ownership of the Council.

## CESSER OF EXISTING BYELAWS

3. On the coming into operation of these byelaws, all existing byelaws, rules and regulations relating to cemeteries under the control or in the ownership of the Council shall cease to have effect.

## FENCING & DRAINAGE

4. Every cemetery shall be kept sufficiently secured; and, if necessary, shall be under drained to such a depth as will prevent water remaining in any grave or vault.

## GRAVE SPACES

5. The area to be used for graves shall be divided into grave spaces, designated by convenient marks, so that the position of each grave space may be readily ascertained. In all new cemeteries a corresponding map or maps of the cemetery shall be constantly kept in some convenient place, at or near the cemetery, and shall be made available for inspection by all persons. On such map or maps every grave space shall be shown with its distinctive mark inscribed thereon, i.e. section, row and number.

## SIZE OF GRAVE SPACES

6. The grave spaces for the burial of persons shall be 2.5m (8ft) long by 1.2m (4ft) wide excluding beam/foundation dimension.

## FIRST INTERNMENT

7. Each grave, when opened for the first internment therein, shall be sunk to the perpendicular depth of 2.45m (8ft) at least, or in case the nature of the sub-soil will not permit the grave being sunk to such depth, then to such lesser depth as the Council shall specify.

## MODE OF BURIAL

8. No internment shall be permitted in any cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to internment, unless the body be enclosed in a coffin of wood or other sufficiently strong material.

Where possible, in new cemeteries, areas will be designated to accommodate the internment of ashes.

## OPENING OF GRAVES

9. No unwalled grave shall be re-opened within fourteen years after the burial of a person unless to bury another member of the same family, in which case a layer of earth not less than 300mm (1ft) in depth shall be left undisturbed

above the previously buried coffin; but if on re-opening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave.

The Registrar must always be notified prior to the opening of the grave

No grave, in which any body has been interred, shall be opened, save for the purpose of internment or exhumation, without the written permission of the Council to be previously produced to the Registrar.

#### DEPTH OF BURIAL

10. No coffin shall be buried in any unwallied grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.22m (4ft) below the ordinary level of the ground.

#### INTERRUPTION OF INTERNMENT

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

#### EXHUMATION

12. No body, nor the remains of any body, shall be removed from one place of burial to another, or exhumed (except under the conditions set forth in Byelaw 9) without the prior written consent of the Council, and with such precautions as such Authority may prescribe as the condition of such Licence. Any person who shall remove or assist in removing any such body or remains contrary to this Rule, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these byelaws.

#### REGISTER OF BURIALS

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

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

## ENTRIES IN REGISTER

- 14.(i) Before the internment of any person in a cemetery, or before admission into such place of reception as aforesaid, the Registrar shall, after due enquiry as to the facts from some relative of the deceased, or from the person having the direction and management of the internment, cause an entry to be made in the Register, in plain and legible characters, under its proper headings, and in order, of the First Name and Surname, time of death, sex, age, religious persuasion, and occupation or rank in life of the deceased, together with his or her last place of residence, and marital status.
- (ii) After the internment due entry shall be made under its proper heading of the distinctive mark of the grave; and the signature of the person having the management of the internment shall be affixed in the last column but one, in token of the accuracy of the foregoing statements; and such signature shall be attested by the signature of the Registrar, in the last column. Any such person wilfully refusing to give to the Registrar information as to the matters aforesaid, or to affix his signature as aforesaid, shall be in breach of these byelaws.

## PURCHASE OF BURIAL PLOT

- 15.(i) Application to acquire a burial plot in any cemetery shall be made to the Council.

The application shall include the name and address in sufficient detail to ensure future identification against the Register, and also the specified fee.

In the case of lawn cemeteries, new cemeteries and extensions to existing cemeteries, burial plots cannot be purchased in advance.

All burial plots shall be sold in rotation.

The purchase of burial plots in other cemeteries will be at the discretion of the Registrar.

- (ii) The Receipt issued in response to the application constitutes the owner's right of burial.

Ownership of a burial plot does not allow for the erection of a headstone without a separate application being made to the Council (see byelaw 21).

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

## VISITORS

- 16.(i) Visitors to the cemetery shall enter or leave the cemetery only by means of the entrance.
- (ii) They shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein.
- (iii) They shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the cemetery.

- (iv) No dogs or other animals shall be allowed into the cemetery and visitors shall close the gate after entering and leaving to prevent trespass by stray animals. Guide dogs are permitted.
- (v) No vehicles shall be allowed enter the cemetery with the exception of funeral cars and vehicles carrying disabled persons.

#### MISCONDUCT

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

#### DAMAGE TO HEADSTONES

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

#### TREES

- 19. No trees shall be planted on any grave space in the cemetery.

#### SHRUBS AND FLOWERS

- 20.(i) The planting of shrubs and flowers in lawn cemeteries is not permitted. In older cemeteries the planting of shrubs and flowers on burial plots shall only take place where the plots are enclosed by kerbs.
- (ii) Any flowers or wreaths placed on graves after burials have taken place shall be removed by the owners of burial plots or their representatives once the plot has been reseeded. Artificial flowers shall be removed at this time also.
- (iii) Memorial flowers will be permitted on the headstone beam or plinth.

#### ERECTION OF MONUMENTS

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

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

The heights of any structure proposed shall not exceed 1.2m (4ft) above beam level.

An exception in the case exists where a Celtic Cross is permitted once it does not exceed 2.0m (6.5ft) in height. All structures shall have reinforced concrete bases with dowels.

Base of plinth for flowers or headstones shall measure 1.2m (4ft) x 450mm (1.5ft) x 100mm (4ins) high. The base may have two flower holders affixed to it.

Height restrictions apply in the case lawn cemeteries, new cemeteries and extensions to existing cemeteries. In the case of existing cemeteries, exceptions by written permission only.

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

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

#### PERISHABLE AND UNSUITABLE MATERIALS

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

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

#### KERBS/FOOTSTONES ETC.

- 23.(i) Where any cemetery or part of a cemetery has been provided and developed as a "lawn" type cemetery, no kerbstones/footstones of any description will be permitted under any circumstances.

- (ii) In any cemetery, other than a lawn type cemetery, where the layout is such that the Council may grant permission for kerbs to be erected, the Council may specify that the top of the kerb shall be kept flush with the adjoining ground level.

#### FOUNDATIONS USING BEAMS

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

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

No kerbs or footstones will be permitted in this case.

## FOUNDATIONS WHERE BEAMS WILL NOT BE AVAILABLE

(This relates to older type cemeteries)

25. Where the beam is not provided the foundation for the headstone shall be cast as a single unit. The foundation shall be constructed of good quality concrete with an 8-day crushing strength of not less than 30N/mm<sup>2</sup>. The minimum dimensions shall be 300mm (1ft) deep by 225mm (9ins) wide. It shall contain minimum reinforcement of 4 No. 12mm (0.5ins) mild steel bars, 2 of which shall be located near the lower face of the foundation and 2 of which shall be located near the upper face of the foundation. The steel will have minimum cover on all sides of 50mm (2ins). The foundation shall be entirely within the boundaries of the burial plot, which it is enclosing. Full details of construction of beam should be agreed with the Council before commencement of work.

## SUPERVISION OF WORKS

- 26.(i) All works in erecting monuments or the like carried out in the cemetery either by the owners of the burial plots, their agents or representative, including monumental contractors, is subject to supervision and control of the Engineer or his representative.
- (ii) The dumping and mixing of sand, gravel and cement for making concrete will not be permitted on paths or unprotected ground, and must be carried out on portable platforms.
- (iii) All surplus materials left over when the work has been completed must be removed from within the confines of the cemetery by the contractor or the owner of the burial plot at the time of the completion of the works.

## REMOVAL OF BROKEN OR OTHER MONUMENTS

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

In such cases, the Council may recover the cost of any such removal from the burial plot owner or their representatives, by a simple contract debt.

## CONTRAVENTION OF BYELAWS

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



ADOPTED by

LAOIS COUNTY COUNCIL on the

24/9/2007

24<sup>th</sup> September 2007.



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Director of Services  
Environment & Water Services



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Senior Engineer  
Water Services