

CITY OF EKURHULENI



CEMETERY AND CREMATORIUM BY-LAWS 2026

Community Services Department

Parks and Cemeteries Division

Date of Commencement: 06 August

2026 As amended by

Council Resolution: **A-Com SERV (04-2026)** dated **30**

July 2026 On promulgation in the Government

Gazette

DOCUMENT CONTROL

Item	Details
Document Title	Draft Cemetery and Crematorium By-law, 2026
Municipality	City of Ekurhuleni
Department	Community Services Department
Division	Parks and Cemeteries Division
Document Owner	Senior Manager: Technical Support
Responsible Business Unit	Parks and Cemeteries Division
Status	Draft
Version	2.0
Review Cycle	Every five (5) years or as required
Replaces	Cemetery and Crematorium By-laws, 2003 (as amended)

Record of Amendments

Version	Date	Description	Prepared By
1.0	September 2024	Initial draft review	Community Services
2.0	June 2026	Public participation amendments and legislative review	Parks and Cemeteries Division

TABLE OF CONTENTS

CHAPTER 1 GENERAL PROVISIONS

ITEM NO.	ITEM	PAGE NO.
1.	Definitions	1
2.	Aim And Purpose	7
3.	Title And Application	7
4.	Commencement And Validity	7
5.	Responsible Authority	7
6.	Enforcement And Compliance with This By-Law	8
7.	Observing Fundamental Rights	8
8.	Non-Liability of The City	8
9.	Code Of Ethics	8
10.	Authentication Of Documents	8
11.	Prima Facie Evidence	9
12.	Provision Of Information	9
13.	False Statements or Information	9
14.	Offences	9
15.	Penalties	10
16.	Availability Of By-Law	10
17.	Review	10

CHAPTER 2 ESTABLISHMENT AND RESERVATION OF CEMETERIES

ITEM NO.	ITEM	PAGE NO.
18.	ESTABLISHMENT OF CEMETERIES	11

CHAPTER 3: BURIALS

ITEM NO.	ITEM	PAGE NO.
19.	Disposal Of Bodies	11
20.	Permission To Bury	11
21.	Application Procedure for Burial in a City Cemetery	11
22.	Burial In City Cemetery Only in Allotted Mode of Interment	13
23.	Alternative Burial Methods	13

24.	Coffins	13
25.	Number Of Bodies in Coffin	14
26.	Body Bags	14
27.	Numbering Of Graves	14
28.	Reservation Of Graves in a City Cemetery	14
29.	Transfer Rights in City Cemetery	15
30.	Number Of Burials	15
31.	Burial Of Ashes	16
32.	Burial Of Indigent	16
33.	Burial Or Cremation of Paupers	16
34.	Recording Of Burials / Cremations	17
35.	Military Graves, High Profile Areas and Heroes' Acres	17

CHAPTER 4 GRAVE EXCAVATIONS AND PLOTS

ITEM NO.	ITEM	PAGE NO.
37.	Dimensions Of Grave Excavations and Plots	19
38.	Enlargement Of Graves	20
39.	Covering Of Coffins	20
40.	Levelling Of Soil on Grave	20

CHAPTER 5 FUNERALS

ITEM NO.	ITEM	PAGE NO.
41.	Religious Ceremonies, Memorial Services and Processions	20
42.	Music / Public Address Systems	21
43.	Control Of Hearses and Other Vehicles	21
44.	Conveyance Of Bodies	21
45.	Conveyance Of Coffins	22
46.	Chapels In City Cemeteries and Crematoria	22
47.	Funeral, Cemetery and Crematorium Hours	23

CHAPTER 6 EXHUMATION, OPENING OF GRAVE, DISTURBANCE OF HUMAN REMAINS AND REBURIAL

ITEM NO.	ITEM	PAGE NO.
49.	Exhumation	24

50.	Reburial By City	25
51.	Exhumation Of Ashes	25

CHAPTER 7 CARE OF GRAVES

ITEM NO.	ITEM	PAGE NO.
52.	Care Of Graves	26

CHAPTER 8 ERECTION OR RE-ERECTION OF MEMORIAL WORK

ITEM NO.	ITEM	PAGE NO.
53.	Applications	26
54.	Consent	27
55.	Approval Or Refusal	27
56.	Time To Erect	28
57.	Temporary Grave Markers	28
58.	Requirements To Build Memorial Works	28
59.	The Subsequent Burial	29
60.	Requirements For Memorial Work Berm Section	30
61.	Requirements For Memorial Work in Lawn or Landscape (Aesthetic) Sections	30
62.	Indecent, Inferior, Offensive or Objectionable Memorial Work	30
63.	Inscriptions On Memorial Work	30
64.	Dismantling Of Memorial Work	31
65.	Landscape Section	32
66.	Lawn Section	32

CHAPTER 9 CREMATION, CREMATORIA AND RELATED MATTERS

ITEM NO.	ITEM	PAGE NO.
68.	Applications To Cremate	32
69.	The Specification of the Coffin	33
70.	Exposure Of the Body	34
71.	The Remains	34
72.	Memorial Work in and Around Crematoria	34

**CHAPTER 10
FUNERAL UNDERTAKERS**

ITEM NO.	ITEM	PAGE NO.
73.	Funeral Undertakers	35
74.	Duties Of Funeral Undertakers	36

**CHAPTER 11
MISCELLANEOUS MATTERS**

ITEM NO.	ITEM	PAGE NO.
75.	Prohibited Acts	36
76.	Complaints	37
77.	Directions By Responsible Cemetery Official	37
78.	Tariffs And Charges	38

PREAMBLE

- (1) **WHEREAS** section 156(1)(a) of the Constitution of the Republic of South Africa (hereafter “the Constitution”) stipulates that a municipality has executive authority in respect of and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution;
- (2) **AND WHEREAS** section 156(2) of the Constitution specifies that a municipality may make and administer by-laws for the effective administration of the matters it has the right to administer;
- (3) **AND WHEREAS** in terms of Part B of Schedule 5 of the Constitution the powers and functions of the City of Ekurhuleni Metropolitan Municipality (hereafter “the City”) includes the right to administer cemeteries, crematoria and funeral parlours.
- (4) **AND WHEREAS** the City seeks to ensure the proper administration and management of cemeteries, crematoria and funeral undertakers within its area of jurisdiction;
- (5) **NOW THEREFORE**, this by-law is adopted in compliance with the provisions of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (hereafter “the Systems Act).

CHAPTER 1: GENERAL PROVISIONS

1 DEFINITIONS

In this by-law, except where the context otherwise indicates, or it is expressly stipulated otherwise, the following words and expressions shall have the respective meanings assigned to them hereunder, and words and expressions to which a meaning has been assigned in terms of the provisions of the applicable legislation referred to in this by-law, will have a corresponding meaning assigned thereto in terms of such legislation. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

WORD/EXPRESSION	DEFINITION
“A”	
“adult”	Means any deceased person, the dimensions of whose coffin cannot be accommodated in an excavation for the grave of a child.
“anatomy subject”	Means part/s of a cadaver.
“ashes”	Means the cremated remains of a human body.
“B”	
“berm”	Means a concrete base for the erection of a memorial work at the head of a grave in anaesthetic section of a cemetery.
“berm section”	Means a section of a cemetery, which the City has set aside as such, in which berms are permitted, and in terms of which different fees may be charged from fees charged in other sections.
“Births and Deaths Registration Act”	Means the Births and Deaths Registration Act, 1992 (Act No: 51 of 1992).
“body”	Means any dead human body including the body of any stillborn child.
“body bag”	Means a protective wrapping in which a cadaver is buried.
“burial”	Means when land is excavated for the interment of a body or ashes or when a structure is employed for the interment of a body or ashes.
“burial order”	Means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992).
“C”	

“cadaver”	Means a dead human body.
“cemetery”	Means land within the area of jurisdiction of the City which contains one or more graves.
“child”	Age between 0 to 5 (five) years (0 to 60 Months).
“City cemetery” or “City crematorium”	Means a cemetery or a crematorium under the control and within the municipal area of the City of Ekurhuleni Metropolitan Municipality, which is subject to the provisions of this by-law.
“City Manager”	Means the Municipal Manager of the City appointed in terms of the provisions of MFMA and section 54A of the Systems Act and as referred to in the definition of “accounting officer” in section 1 of the MFMA, and also referred to in section 60 of the MFMA, and includes a person acting as an accounting officer, or the person to whom the accounting officer has delegated his/her authority to act.
“coffin”	Means a long box in which a dead body is buried or cremated.
“columbarium”	Means a memorial wall or a wall of remembrance or a public container of ashes with identity plaques affixed and visible.
“Commonwealth War Graves Act”	Means the Commonwealth War Graves Act, 1992 (Act No: 8 of 1992).
“Constitution”	Means the Constitution of the Republic of South Africa, 108 of 1996.
“contractor”	Means a person responsible for the erection of, or any other work on memorial works on behalf of the holder.
“Council” or “Municipal Council”	Means the Municipal Council of the City as referred to and constituted in terms of the provisions of section 157 of the Constitution.
“cremation”	Means the disposal of a human body by means of incineration.
“crematorium”	Means a place used for incinerating human bodies which may not be used for disposing of ashes.
“Crematorium section”	Means a section of a cemetery or crematorium set aside by the City for the interment of ashes.
“crematory”	Means the room in the crematorium which houses the cremation refractory.

“Cremated remains”	Means all recoverable human remains after the cremation process.
“E”	
“Emergency burials”	Means burials where the body is in an advanced state of decomposition or, for medically verified reasons and needs to be buried as soon possible.
“exhumation”	Means the removal of a cadaver from its grave in accordance with all applicable legislative requirements and/or by court order.
“G”	
“Garden of remembrance”	Means a section of a cemetery or crematorium set aside for the memorial work to commemorate a deceased person whose body was cremated and for the placing or strewn of ashes but does not include a columbarium.
“grave”	Means any piece of land excavated for the burial of a body whether in a coffin or other receptacle and in which any person has the permission to have a body buried.
“Graves and Dead Bodies Ordinance”	Means the Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925).
“H”	
“hero”	Means a person who performed a heroic act on behalf of the Country and is recognised for such act by the City.
“Heroes acre”	Means an area of land set aside within a cemetery or crematorium for the burial of a hero.
“High profile area”	Means an area set aside for the burial of high profile persons with allowance for specialised monumental work at the applicable tariffs.
“holder”	Means a person who has been granted the permission to bury a human body in a grave or who has been granted the permission to cremate a human body.
“I”	
“indigent” or “pauper”	Means: (a) any member of a household registered as indigent under the City’s policy for indigent support and who can submit valid proof of such registration. (b) any non-registered person that cannot afford a burial; or

	(c) a deceased person whose identity and address are unknown.
“infant”	Means a newborn to the age of 12 (twelve) months.
“interment”	Means any placement of a body in a grave.
“L”	
“landscape section”	Means a section of a cemetery which the City has set aside as such, and which is more aesthetically pleasing than other sections and in terms of which higher fees may be charged by the City in terms of this by-law.
“Law of Evidence Amendment Act”	Means the Law of Evidence Amendment Act, 1988 (Act No: 45 of 1988).
“Lawn section”	Means a section of a cemetery which the City has set aside as such which is flat and covered by lawn and in which berms and monumental work are permitted and in terms of which different fees may be charged by the City in terms of this by-law.
“M”	
“Memorial wall”	Means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons.
“Memorial work”	Means any headstone, plaque or other similar work erected or intended to be erected in a cemetery commemorating deceased persons and includes a kerb demarcating a grave and a slab covering a grave.
“mm”	Means millimetre or millimetres.
“Monumental section”	Means a section of a cemetery which the City has set aside as such in which memorial work is allowed and in terms of which different fees may be charged from fees charged in other sections.
“municipality” or “City”	Means a local government and legal entity with full legal capacity, being the City of Ekurhuleni, as contemplated in section 2 of the Systems Act read with the provisions of Chapter 7 of the Constitution and sections 12 and 14 of the Structures Act, with its main place of business and the offices of the Municipal Manager, as envisaged

	in terms of the provisions of section 115(3) of the Systems Act, at: EGSC Building, 2nd Floor, Corner of Cross and Rose Streets, Germiston, and may, depending on the context, include: (a) its successor in title; or (b) a functionary, employee or official exercising a delegated power or carrying out an instruction, in the event of any power being delegated as contemplated in terms of the provisions of section 59 of the Systems Act, or exercising any lawful act in the furtherance of the City's duties, functions and powers; or (c) an authorised service provider fulfilling a responsibility assigned to it by the City through a service delivery agreement.
<i>"Mutatis mutandis"</i>	All necessary changes having been made; with the necessary changes.
"N"	
"name"	Means the name of the deceased and includes any identifying description of a deceased human being who possessed no name or whose name is unknown at the time of death.
"National Health Act"	Means the National Health Act, 2003 (Act No: 61 of 2003).
"next of kin"	Means the deceased's relative.
"niche"	Means a compartment in a columbarium or garden of remembrance for the placing of ashes.
"Normal operational hours"	Means for official's- 7:00 to 15:30 excludes Saturdays, Sundays and public holidays.
"O"	
"Office hours"	Means Monday to Friday 08:00 to 15:00 to service Public. Officials- 7:00 to 15:30 excludes Saturdays, Sundays and public holidays.
"P"	
"Perishable material"	Means natural materials which can rot without contaminating the earth.

“permission”	Means the permission, authorization or consent needed by a person in compliance with the provisions of this by-law from the responsible cemetery official.
“plot”	Means a demarcated area within which the excavation of a grave must be made and on which memorial work (if allowed according to the type of section) should be erected.
“Private grave”	Means a single grave within any cemetery, with the exclusive right of interment, subject to the provisions of the relevant section of this by-law.
“PAIA” or “Promotion of Access to Information Act”	Means the Promotion of Access to Information Act, 2000 (Act No: 2 of 2000).
“Province” or “Provincial”	Means the Province of Gauteng.
“R”	
“resident”	Means a person who, at the time of death or at the time of the purchase of a grave, ordinarily resided within the geographical area of the jurisdiction of the City or any person who, at the time of death, shall, have been the owner of fixed property within the City for a period of at least 6 (six) months immediately prior to death: Provided that unless otherwise qualified, the term does not include inmates of hospitals, institutions or other persons temporarily resident within the City.
"Responsible cemetery official"	means any official designated, appointed or duly authorised by the City to administer, manage or enforce the provisions of this By-law in respect of a cemetery or crematorium
"Responsible department"	means the department or business unit designated by the City Manager from time to time to administer and implement this By-law
“S”	
“Still born”	Means an infant who is born dead.
“stone mason”	Means a person or company registered as a stone mason and authorized to operate within the cemeteries and

	crematoria of the City for the erection / dismantle of Memorial work.
“Systems Act”	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and the regulations promulgated in terms thereof.
“T”	
“tombstone”	Means any headstone, plaque or other similar work erected or intended to be erected in a cemetery commemorating a deceased person.
“U”	
“undertaker”	Means a person registered to undertake the dignified preparation of a human body for interment or cremation and who is in possession of the non-transferable City certificate of compliance.
“W”	
“Working day”	Means any day that is not a Saturday, Sunday or public holiday and constitutes a 24-hour (twenty-four) period.

2 AIM AND PURPOSE

The aim and purpose of this by-law is to establish a system to implement and regulate control and maintenance of public and private cemeteries and crematoria within the area of jurisdiction of the City. Furthermore, it is also to regulate the use thereof and to manage all cemeteries and crematoria within the City’s area of jurisdiction.

3 TITLE AND APPLICATION

- (1) This by-law is known as the Cemetery and Crematorium By-Law, 2024 and is applicable to all persons within the municipal jurisdiction of the City.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-laws, regarding the subject matter of this by-law.

4 COMMENCEMENT AND VALIDITY

This by-law shall take effect on the date of publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

5 RESPONSIBLE AUTHORITY

- (1) The responsible authority for the adoption, publication and implementation of this by-law is the City and where applicable the municipal council of the City.

- (2) The responsible department shall administer and implement this By-law on behalf of the City.

6 ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The City shall enforce compliance with this by-law.

7 OBSERVING FUNDAMENTAL RIGHTS

The City must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

8 NON-LIABILITY OF THE CITY

- (1) Neither the City nor any employee, official, person, body, organisation or corporation acting on behalf of the City shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of, or arising from the City enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this by-law.
- (2) Persons entering cemeteries, do so at their own risk.

9 CODE OF ETHICS

- (1) All the officials of the City shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.
- (2) Employees of the City shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of rate payers, owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, 2000 (Act No: 2 of 2000).

10 AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the City shall be sufficiently authenticated if signed by the City Manager, or by a person duly authorised to do so, on behalf of the City, by resolution of the City and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

11 PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the City, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the City, by resolution of the City, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, 1988 (Act No: 45 of 1988), upon its mere production constitute *prima facie* evidence of the contents of the certificate.

12 PROVISION OF INFORMATION

A person within the municipal area of the City must provide the City with accurate information requested by the City that is reasonably required by the City for the implementation or enforcement of this by-law.

13 FALSE STATEMENTS OR INFORMATION

No person shall make a false statement or furnish false information to the City or falsify a document issued in terms of this by-law.

14 OFFENCES

- (1) It is an offence for any person to:
- (i) unlawfully and intentionally or negligently interfere with any actions taken by the City in terms of this by-law;
 - (ii) contravene or fail to comply with any provisions of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
 - (iii) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (iv) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law.
 - (v) fail to provide information or provide false or misleading information reasonably requested by the City;
 - (vi) fail or refuse to give access required by the City in terms of the provision of this by-law;
 - (vii) fail to comply with the terms of a notice served upon him/her in terms of this by-law;

- (viii) fail or refuse to provide the City with a document or information that the City is entitled to in terms of this by-law;
 - (ix) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law.
 - (x) fail to comply with any lawful instruction given in terms of this by-law; or
 - (xi) obstruct or hinder the City in the execution of the City's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the City for investigation with a view to possible prosecution.

15 PENALTIES

- (1) A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine not exceeding R5 000.00 (five thousand rand) or in default of payment or imprisonment for a period not exceeding 6 (six) months, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.
- (2) In addition to the fines mentioned in subsection (1), a person convicted of a contravention of this by-law must compensate the City for any loss or damage it may have incurred as a result of the contravention. The City may institute a claim in the appropriate court for such loss or damage incurred.

16 AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the City's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the all-cemetery offices of the City at all reasonable times and shall also be available from all CCA's within the City of Ekurhuleni

17 REVIEW

This by-law and its implementation shall be reviewed every 5 (five) years or as and when a need to do so arises.

CHAPTER 2: ESTABLISHMENT AND RESERVATION OF CEMETERIES

18 ESTABLISHMENT OF CEMETERIES

- (1) The City 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) The City may reserve any cemetery or part thereof for exclusive use by the members of a particular religion or denomination, or for the burial of adults or children, or for the burial of ashes, or for a specific type of a grave

CHAPTER 3: BURIALS

19 DISPOSAL OF BODIES

- (1) No one may dispose of a body within the geographical area of jurisdiction of the City, other than by burial in a cemetery or cremation in a crematorium recognized by City, unless such disposal is otherwise authorized by any law.

20 PERMISSION TO BURY

- (1) No burial may take place in a cemetery unless permission has been granted by the City after an application in terms of section 21 of this by-law is granted, and a date and time has been allocated by the City.
- (2) In allocating a date and time for burial the City must have regard to the beliefs and customs of the deceased or relative's religion, church affiliation or nationality.
- (3) Rights to particular graves may be acquired in terms of Section 27 of this by-law.

21 APPLICATION PROCEDURE FOR BURIAL IN A CITY CEMETERY

- (1) Application for burial in a City cemetery must be made to the City on the prescribed form by submission to the responsible cemetery official and must be accompanied by:
 - (i) proof of payment of the prescribed fee;
 - (ii) a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No: 51 of 1992); and
 - (iii) a death certificate
 - (iv) Proof of address as follows:
 - (a) Municipal utility bill
 - (b) Letter from the Customer Care Office.

- (c) Mailed letters of accounts no later than 3 months
 - (d) A letter from the ward councillor.
 - (e) An affidavit signed by the Commissioner of Oaths.
- (2) Despite the provisions of subsection (2), the responsible cemetery official may approve an application by an interested party if he or she is satisfied that the signature of the next of kin cannot be obtained timeously.
 - (3) The application must indicate whether the application is in respect of a first, second or third burial in respect of a particular grave.
 - (4) Applications for a burial shall be made at the applicable office where the intended burial will take place or at a cemetery office as indicated by a responsible cemetery official.
 - (5) A written application for a burial during the **week** must be submitted at least 2 (two) working day before the burial, failing which the City may refuse the application except in exceptional circumstances. Circumstances may include Religious / Cultural requirements, Emergency burials. A written application for a **weekend** burial must be submitted by Thursday, 12:00. Failing that, the council may apply the late booking fee, with exception of stillborn babies.
 - (6) In the case of Muslim burials where the body must be interred on the same day as the death of the deceased, the application for the interment shall be submitted on the second working day after the interment.
 - (7) In the case of Jewish burials where the body must be interred on the same day as the death of the deceased the application for the interment shall be submitted on the second working day after the interment.
 - (8) Where recognised religious or cultural practices require the burial of a deceased person within 24 to 48 hours after death, the Responsible cemetery official may approve an alternative application process, provided that the prescribed supporting documentation is submitted on the first available working day.
 - (9) In the case of an Emergency Burial where the body must be interred a day after the submission of the written application for a burial, the application for the interment shall be submitted at least 1 (one) working day before the interment.
 - (10) No burials will take place in cemeteries in the City on any of the following statutory public holidays: Good Friday, Christmas day, Boxing Day and New Years' Day.

- (11) Application for enlargement of a grave, excluding exceptional cases, must also be submitted with required burial documents and the prescribed fee on tariffs
- (12) Where enlargement of a grave is requested, the responsibility shall be on the applicant to ensure that it is done in time. The City will accept no responsibility for inconvenience, loss or damages in this regard.
- (13) Notice of cancellation or postponement of a burial must be given at least 4 (four) working hours before the burial, failing which the applicant shall pay an additional fee of 50% (fifty percent) of the prescribed fee.
- (14) In the case of burials taking place over the weekends and on public holidays, the City will be responsible for filling of graves, subject to the payment of the prescribed after hour tariff as set herein.
- (15) In the case of a burial of a still born baby , where the family, due to family value systems or for religious reasons want the body to be interred the same day as the death of the deceased or on the day thereafter, the application for interment shall be submitted on the first working day after the interment.

22 BURIAL IN CITY CEMETERY ONLY IN ALLOTTED MODE OF INTERMENT

- (1) Burial in a City cemetery may take place only in a manner of interment selected by the City.
- (2) Where practical and in the sole discretion of the responsible cemetery official, the City may allow the applicant access to a plan of the cemetery (if available), showing sections, which are available, and allow the applicant, on payment of the fee prescribed to choose the section for burial, but not the individual grave.

23 ALTERNATIVE BURIAL METHODS

- (1) The City may approve alternative methods of interment, including above-ground interment or other environmentally sustainable methods, provided that such methods are authorised by applicable legislation, supported by Council policy and comply with all applicable public health requirements.

24 COFFINS

- (1) A coffin must be used for any burial of a corpse, except where traditions, customs or religious beliefs of the deceased or applicant prohibit its use and special permission has been granted by the City.

- (2) Coffins to be placed in a grave must be made of natural wood or other perishable or biodegradable material.
- (3) Coffins intended for cremations must be constructed mainly of timber or wood derivatives.

25 NUMBER OF BODIES IN COFFIN

- (1) Usually, only (1) one body will be allowed in a coffin for burial or cremation.
- (2) The burial of more than one body in a coffin is allowed, subject to an application being made and approved by the Responsible cemetery official, and the payment of the prescribed fee.
- (3) Such an application may be made in respect of:
 - (i) family members who either died together or the second deceased died before the burial of the first deceased.
 - (ii) a mother and child who died during childbirth; or
 - (iii) remains of an anatomy subject.

26 BODY BAGS

- (1) If there is more than one (1) body in a coffin each body must be contained in a separate body bag.
- (2) A body intended for burial at a cemetery or cremation in a crematorium must be sealed in a body bag inside a coffin, except if it is contrary to the traditions, customs or religious beliefs of the deceased person or the applicant.

27 NUMBERING OF GRAVES

The City must number all graves and show them on a plan that is kept available in the responsible cemetery official's office and is made available to the public during office hours (08h00-15h00).

28 RESERVATION OF GRAVES IN A CITY CEMETERY

- (1) The grave used for an interment shall be deemed reserved for a second interment of the same family member of the deceased.
- (2) A third burial may be allowed only if:
 - (i) an application has been made to the Responsible cemetery official and written permission has been granted.
 - (ii) the grave has been deepened; and
 - (iii) the prescribed fee has been paid.

- (3) Graves can only be allocated as and when required for immediate use. No additional graves sites may be reserved for future use.
- (4) With regard to existing reserved graves, the reservation of a grave will not confer any ownership of or title to that grave, but only the right to bury a body therein.
- (5) The applicable tariff for a second and/or third interment shall be paid when the reservation is taken up.
- (6) The City shall demarcate Jewish and Muslim sections in cemeteries upon request.

29 TRANSFER RIGHTS IN CITY CEMETERY

- (1) The City will not allow the transferring of rights in respect of existing reserved graves.
- (2) Where the rights to reserve graves have been paid for, the City may buy back the rights. The amount payable will be based on the interment fee in the grass section applicable at the time of application to transfer the rights to City.
- (3) Where the title holder of the reserved grave cannot be located and the City wishes to obtain the rights to the grave, the City may advertise its intention to regain title use of the grave without compensation for a period of 30 (thirty) days. If, on expiry of the 30 (thirty) days period, the title holder has not responded to the advertisement, title in the grave shall revert to City.

30 NUMBER OF BURIALS

- (1) Not more than 2 (two) bodies will be allowed per grave unless the provisions of sections 27(2) have been complied with.
- (2) The Responsible cemetery official, at his discretion, may grant permission to allow coffins to be placed directly on top of each other when buried simultaneously first and second interment fee applies as per tariffs
- (3) If the soil is found to be undesirable in the opinion of the Responsible cemetery official, the latter may disallow the reopening of a grave.
- (4) A maximum of 3 (three) bodies will be allowed per grave in the case of paupers buried simultaneously.
- (5) A person who has been given permission for either a second or third burial must:
 - (i) Give at least two (2) working days' notice before a second or third burial, provided that the Responsible cemetery official may approve a shorter period

where justified by recognized religious practices or exceptional circumstances.

- (ii) At his or her own cost remove and, where applicable, replace any memorial work, unless the Responsible cemetery official authorises an alternative arrangement under exceptional circumstances.

31 BURIAL OF ASHES

- (1) Ashes may be buried in a special grave, the dimensions of which may be smaller than those prescribed for the graves, as determined by the responsible cemetery official, or in an ordinary adult grave if used as a second grave.
- (2) The provisions of this by-law regarding burial of ashes shall apply *mutatis mutandis* to the burial of ashes.

32 BURIAL OF INDIGENT

- (1) The relative of a person who qualifies as an indigent, or any interested party, may apply for an indigent burial at the prescribed indigent burial tariff.
- (2) Indigent burials will be restricted to the lawn section of cemeteries and all conditions applicable for such a section as described herein will apply.
- (3) Applications for indigent burials shall be recommended by the Ward Councillor and Manager: Social Services and must be approved by the City Manager or a delegated cemetery official of the applicable cemetery. The family of the deceased shall accept the conditions applicable to indigent burials.

33 BURIAL OR CREMATION OF PAUPERS

- (1) The City may inter or cremate the bodies of paupers in any method chosen by the City.
- (2) A total of 3 (three) pauper bodies may be interred in a single grave simultaneously.
- (3) Pauper burials shall take place in the lawn section of a cemetery if such a section is available.
- (4) No tombstone or memorial works shall be erected on a pauper grave.
- (5) In the case of paupers being cremated, the City will be responsible for the safe keeping of ashes for the period of (1) one year, thereafter the ashes shall be interred in an ash grave if no claim to the ashes has been made.

- (6) The burial or cremation of paupers will only occur during normal working hours and not on Saturdays, Sundays or public holidays.

34 RECORDING OF BURIALS / CREMATIONS

- (1) The responsible cemetery official must keep a register in duplicate of graves and burials / cremations, which must be completed on the first working day after burials / cremations.
- (2) One copy of the register (which might be in the format of a computer printout) must be kept in the responsible cemetery official's office, and the other copy at a separate safe place to be determined by the City.
- (3) Each holder in respect of a grave must be allotted a number corresponding with the register number.
- (4) In the case of crematoria within the area of jurisdiction of the City, the responsible cemetery official must keep a register of cremations in the same way as the register of graves and burials referred to in subsections (1) and (2) above.
- (5) All burial registers must be kept indefinitely in a fireproof safe.
- (6) Upon written application, members of the public may consult the burial registers for a particular section of a cemetery at a convenient time, subject to such reasonable conditions as may be determined by the responsible department. All applications to consult the burial registers must be submitted in writing to the responsible department.
- (7) No person, including members of the cemetery industry (for example stone masons, funeral undertakers, etc.) may use the burial registers to obtain information in order to solicit business.
- (8) Where possible, practical electronic cemetery records may be kept by City.

35 MILITARY GRAVES, HIGH PROFILE AREAS AND HEROES' ACRES

- (1) The City may reserve an area within a cemetery for military graves, a high-profile area or a Heroes' Acre for the burial of persons who have rendered distinguished military, public or other exceptional service to the Republic, the Province, the City or the community, in accordance with criteria or a policy approved by the City.
- (2) No deceased may be buried in such a block without the consent of the deceased's family.

- (3) Family of the deceased, who is buried in a military grave, high profile area or heroes' acre, must accept the City's terms and conditions governing burial in a military grave, high profile area or heroes' acre.

36 BURIAL REGISTERS

- (1) The Responsible cemetery official of each cemetery and crematorium must keep a burial register in which the following is recorded in respect of each burial or cremation, where applicable -
- (a) the section of the cemetery in which the burial took place.
 - (b) the reference number of the burial order.
 - (c) the following information relating to the deceased:
 - (i) surname/and Christian or given name(s).
 - (ii) identity number and gender.
 - (iii) maiden name (where applicable).
 - (iv) last known residential address.
 - (v) dates of birth and date of death.
 - (vi) cause of death; and
 - (vii) place of death.
 - (d) the date of burial or, in the case of ashes buried, the date of cremation.
 - (e) the grave location number.
 - (f) in the case of an exhumation, the name of the following cemetery.
 - (g) where the deceased is subsequently buried, if applicable.
 - (h) the name of the previous cemetery, if exhumed elsewhere.
 - (i) the date of exhumation.
 - (j) the date of reburial.
 - (k) a statement whether the grave lot is reserved or not (Only applicable to existing reserved graves).
 - (l) particulars of reselling of grave (only applicable to existing reserved graves)
 - (m) the account or receipt number and amount paid.
 - (n) the date the amount is paid.
 - (o) the name of the undertaker.
 - (p) the provider of a memorial and the date raised; and
 - (q) the date of entry of data.

- (2) In the case of a cemetery having a landscape section, a special landscape register, in addition to the burial register, must be maintained for the convenience of the public.

CHAPTER 4: GRAVE EXCAVATIONS AND PLOTS

37 DIMENSIONS OF GRAVE EXCAVATIONS AND PLOTS

- (1) Footpaths must be set out separately in the case of monumental graves, and grave plot dimensions and monument dimensions must allow for foot space for maintenance purposes.
- (2) The City may set out only a few designated footpaths in berm and lawn type cemeteries.
- (3) Grave lot dimensions must provide for 700mm width of foot space in the case of memorial graves and 400mm in the case of berms.
- (4) Excavations of single graves must be as follows, in millimeters:

Grave	Bottom of grave	Top of ground level
Adult:		
Length	2100mm to 2400mm	2100mm to 2500mm
Width	900mm	1000mm
Depth	2700mm	
Cover on top of final coffin	900mm	900mm
Child:		
Length	1200mm to 1500mm	1200mm to 1600mm
Width	600mm	700mm
Child depth	1500mm	
Cover on top of coffin	900mm	900mm

- (5) The City must not allow grave excavations in generally sandy soil.
- (6) Soil depth between coffins must not be less than 300mm except for simultaneous burials.
- (7) The height of the coffin may not exceed 600mm in the case of an adult and 500mm in the case of a child.
- (8) Additional depth per coffin may not exceed 900 mm in the case of an adult and 800mm in the case of a child.
- (9) Should the child's coffin be too large for the dimension of child's grave, it will be placed in an adult grave and the prescribed fee for adult's grave shall be charged.
- (10) Existing grave dimensions shall apply to those sections of a cemetery which were laid out prior to the promulgation of this by-law.

- (11) The dimensions set out in this by-law shall apply to all graves and sections of a cemetery laid out after promulgation.

38 ENLARGEMENT OF GRAVES

- (1) If a grave has to be enlarged because the coffin is too large, notice must be given in writing to the responsible cemetery official not less than 1 (one) working day before burial.
- (2) If a grave must be deepened to accommodate a third burial; notice must be given to the responsible cemetery official not less than 1 (one) working day before burial.

39 COVERING OF COFFINS

- (1) There shall be at least 900mm of soil between any adult coffin and the surface of the ground and 900mm of soil in the case of a child's coffin.
- (2) At least 300mm of soil shall be placed over any coffin immediately after the burial.
- (3) The provisions of subsections (1) and (2) above do not apply to above ground interment.

40 LEVELLING OF SOIL ON GRAVE

- (1) The City shall reserve the right to level all grave mounds and remove any surplus soil near a grave within 6 (six) months after interment.
- (2) Grave mounds in the Muslim section shall not be levelled.
- (3) Grave mounds in old inactive cemeteries shall not be levelled.

CHAPTER 5: FUNERALS

41 RELIGIOUS CEREMONIES, MEMORIAL SERVICES AND PROCESSIONS

- (1) Religious ceremonies, memorial services and processions may be conducted or held in a cemetery or crematorium, subject to the control and supervision of the responsible cemetery official.
- (2) A religious ceremony, memorial service or procession may not be held in a portion of the cemetery or crematorium that has been reserved for members of a different religious group, denomination or nationality, unless the consent of the responsible cemetery official has been obtained.
- (3) The holder shall be responsible for providing pallbearers to transport bodies and coffins to the chapel, grave site or crematorium, as the case may be.

- (4) The person arranging a ceremony other than an ordinary funeral must obtain permission from the responsible cemetery official by applying for such permission at least 1 (one) working day before the ceremony.
- (5) The responsible cemetery official may, at his discretion, limit the time allotted to such a ceremony to a maximum of 30 (thirty) minutes.
- (6) Subject to the written approval of the responsible cemetery official, an undertaker or applicant may erect temporary funeral tents at a gravesite for the convenience of mourners.
- (7) The responsible cemetery official may determine the number, size and location of such temporary structures to ensure that cemetery operations, neighbouring funerals, pedestrian access and public safety are not adversely affected.
- (8) Amplified sound, musical equipment or public address systems may only be used during a funeral or memorial service with the approval of the responsible cemetery official and shall be conducted in a manner that does not interfere with other funeral services, cemetery operations or public peace.
- (9) All temporary structures shall be removed immediately after completion of the funeral.

42 MUSIC / PUBLIC ADDRESS SYSTEMS

- (1) Amplified sound, musical equipment or public address systems may be used during a funeral or memorial service only with the prior approval of the Responsible cemetery official and in a manner that does not interfere with other funeral services, cemetery operations or public peace.

43 CONTROL OF HEARSES AND OTHER VEHICLES

- (1) The driving and parking of hearses and other vehicles in the grounds of cemeteries and crematoria is subject to the control of the responsible cemetery official.
- (2) No one may drive or park any vehicle in a cemetery or crematorium ground except on the roadways or parking spaces provided or at a speed exceeding 20 km/h, or contrary to any road sign erected by the City.

44 CONVEYANCE OF BODIES

- (1) The holder shall be responsible to convey the coffin and body to the grave for burial or crematorium for cremation.

- (2) No person may convey a body and/or a coffin in a manner that is inconsistent with public interest.
- (3) No person shall convey a body which is not covered or expose anybody or any part thereof during conveyance in any street, cemetery and public place.
- (4) Where religion, tradition or custom necessitates a different way of conveyance of bodies, prior permission for conveyance of the body in the manner prescribed by that religion, tradition or custom must be obtained from the responsible cemetery official. The request for permission to convey a body in a manner which differs from what is provided for in this by-law shall specify the manner in which the body shall be conveyed.
- (5) The responsible cemetery official may withhold consent where he is of the view that the requested manner of conveying the body will not be in the public interest.

45 CONVEYANCE OF COFFINS

- (1) The holder shall be responsible to convey the coffin and body to the grave for burial or crematorium for cremation.
- (2) The coffin and body must be conveyed in the manner that is consistent with public morals and values.

46 CHAPELS IN CITY CEMETERIES AND CREMATORIA

- (1) Anyone desiring to use the chapel at a City cemetery or crematorium must apply to the responsible cemetery official at least 2 (two) working days in advance to reserve it, stating the desired date and time for the reservation thereof. No one may use such chapel without consent and having paid the prescribed fee in terms hereof.
- (2) Notwithstanding subsection (1), the responsible cemetery official may approve a same-day or urgent chapel reservation where justified by recognised religious or cultural practices, subject to availability
- (3) No person may occupy a chapel at a cemetery for the purpose of a funeral service or cremation, for more than 30 (thirty) minutes, without the permission of the responsible cemetery official of the chapel and payment of the prescribed fee.
- (4) No graveside funeral services may take place for longer than 60 (sixty) minutes without the prior consent of the responsible cemetery official.

47 FUNERAL, CEMETERY AND CREMATORIUM HOURS

- (1) Cemeteries and public areas in crematoria will be open to the public 7 (seven) days a week between the hours of 8:00 and 18:00 during the period 1 September to 30 April and between 8:00 and 17:00 during the period 1 May to 31 August. These hours shall be indicated on notice boards at the entrances to the cemetery and crematorium. However, the City may close off any cemetery or crematorium, or part thereof, to the public at any time without giving prior notice. (cases of riots, natural disasters, construction etc.). Council is allowed to close areas in the cemetery at their dis-creation without prior notice to the public.
- (2) Funerals may take place only between the hours of 8:00 and 15:00 on any day of the week. In this regard all burial activities must be completed by 15:00, including the closure of graves.
- (3) Any late burial activity will be subjected to the consent of the responsible cemetery official and the payment of an additional fee as prescribed.
- (4) Where a particular religious group, denomination or nationality prefers to bury bodies outside the hours mentioned in subsection (1), or in the case of special circumstances, the responsible cemetery official may allow such burial on application. Applications must be received at least 1 (one) day prior to the planned burial, unless the burial is to take place on the day of the deceased's death in which case the application must be made at least one hour prior to the burial or as soon thereafter as practically possible (subject to the availability of graves)
- (5) Cemetery offices will be open to the public between the hours 8:00 and 15:00 on Mondays to Fridays.

48 LARGE NUMBERS OF PEOPLE AT FUNERALS

Where a person who applies for burial suspects that more than 500 (five hundred) persons or more than 100 (one hundred) vehicles may be present at a funeral or in a procession, he or she must give notice of this fact on the application form, except in exceptional circumstances.

CHAPTER 6: EXHUMATION, OPENING OF GRAVE, DISTURBANCE OF HUMAN REMAINS AND REBURIAL

49 EXHUMATION

- (1) No person may open the grave, exhume the body, disturb human remains or rebury the body without the written consent of:
 - (a) the Department of Co-operative Governance and Traditional Affairs
 - (b) the City;
 - (c) the Provincial Department of Health;
 - (d) the Administrator of Cemeteries; and
 - (e) the City's Medical Officer of Health.
- (2) Whenever an exhumation is to take place, the responsible cemetery official must inform the Provincial Commissioner of the South African Police Services of the intended exhumation.
- (3) A member of the South African Police Services must be present at all times during the exhumation process.
- (4) An exhumation may not take place whilst the cemetery is open to the public and must take place under the supervision of the responsible cemetery official.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the responsible cemetery official, may cause the grave to be excavated for such exhumation, subject to the conditions that:
 - (a) the officer-in-charge must be given 48 (forty- eight) hours written notice before the time of exhumation; and
 - (b) the written consent of the Administrator of Cemeteries, referred to in subsection (1)(d) above, together with proof of payment of the prescribed fee must accompany such notice.
- (6) Where the exhumation relates to the remains of a pauper or an indigent person, the following shall apply:
 - (a) A person who wishes to exhume the remains of a pauper or an indigent person must reimburse the City for the costs incurred by the City in respect of the original burial, and such payment must be made before the exhumation takes place.
 - (b) Upon the lawful exhumation of a body, the right to use the vacated grave shall revert to the City.

- (7) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized, the grave area must be screened off from public view.
- (8) The South African Police Services must, if there is proof of illegal burial:
 - (a) immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- (9) A grave of victims of conflict and a grave which is older than 60 (sixty) years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (10) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992 (Act No: 8 of 1992).

50 REBURIAL BY CITY

- (1) Where a body has been buried contrary to this by-law or any other legislative provisions, or where the City considers reburial to be necessary for good reasons, it may apply to the Premier of the Province to remove and rebury remains in accordance with the Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925).
- (2) The City must notify the relatives of the deceased or the person who applied for the grave by registered mail, if their whereabouts are known, or otherwise by advertising in 2 (two) newspaper circulating in the area.
- (3) If the Premier consents to the reburial, the City may rebury the remains in a grave and in the manner of its choice, subject to directions, if any, from the Premier, and the religious rites of the deceased, if any.

51 EXHUMATION OF ASHES

- (1) The provisions of this by-law, regarding exhumation of bodies, shall apply *mutatis mutandis* to the exhumation of ashes.
- (2) No person may exhume ashes from the grave or disturb them without the written consent of the City, which may, in granting such consent impose conditions.
- (3) Application for exhumation of ashes must be made to the City, not less than 2 (two) working days in advance and be accompanied by the prescribed fee in terms of this by-law
- (4) No fee will be charged when exhuming ashes.

CHAPTER 7: CARE OF GRAVES

52 CARE OF GRAVES

- (1) Unless otherwise provided in this by-law, the City shall be responsible for keeping cemeteries in a neat and tidy condition.
- (2) The upkeep of graves is subject to the directions and control of the responsible cemetery official, provided that:
 - (a) no gardening is allowed in the berm and grass section.
 - (b) no person shall erect, place or leave upon a grave any object or decoration, except during the first 30 (thirty) days following the interment therein.
 - (c) no trees or shrubs may be planted on graves in any section.
 - (d) the caretaker shall have the right to prune, cut down, dig up or remove any shrub, tree, plant or flower in the cemetery at any time or when damaged;
 - (e) no person shall at the time of the City levelling/grassing any section of a cemetery, hinder the responsible cemetery official in the execution of his / her duties.
 - (f) no soil may be removed from the grave without the consent of the responsible cemetery official;
 - (g) the holder may maintain the grave subject to conditions prescribed by the City, but the City retains the right to maintain any grave at its own cost
 - (h) no person, company or organization may contract to maintain the graves for a third party in a City cemetery without first having submitted a written application to City to do so and City having granted permission. The City may determine certain conditions if it approves such application.
 - (i) No vendors allowed to advertise and market themselves within the cemetery premises. (Unless it's approved by the council in writing

CHAPTER 8: ERECTION OR RE-ERECTION OF MEMORIAL WORK

53 APPLICATIONS

- (1) A person intending to erect, alter and remove a memorial work must submit an application on the prescribed application form showing dimensions, specifications, position of the work, as well as inscriptions to the officer in charge.
- (2) Such application must be made not less than two (2) working days before the date of the intended erection, alteration or removal.

- (3) No erection, alteration or removal may commence until the City has approved the application.

54 CONSENT

- (1) The erection of memorial work or bringing material into a cemetery for the purpose of erecting memorial work, may not be commenced with, without the written consent of the responsible cemetery official (2 days before commencement of the work) .Memorial work may be done during office hours (Monday to Friday) after the approval of the necessary permit has been obtained. See Section 54 for times
- (2) No person may remove memorial work for additional inscriptions or other alterations without the consent of the responsible cemetery official.

55 APPROVAL OR REFUSAL

- (1) In deciding whether to approve or reject proposed memorial work in terms of this by-law the Responsible cemetery official must have regard to the following:
- (a) the work must have an adequate foundation to support its weight.
 - (b) where any part of any memorial work is to be joined to any other part, copper or galvanized iron dowels or pins of approved thickness and of sufficient length shall be used for such purpose. The holes into which such dowels or pins must fit, shall not be less than 50 mm deep;
 - (c) the work must fit aesthetically into its surroundings.
 - (d) construction must be sturdy enough so as not to pose a potential hazard;
 - (e) materials to be used must be non-combustible and of a solid nature;
 - (f) memorial works manufactured with materials other than marble and granite should be of a SABS approved standard and have a life expectancy of 25 (twenty-five) years;
 - (g) memorial work may be done in brickwork, should be of a SABS approved standard and have a life expectancy of 25 (twenty-five) years. All work needs to comply with the provisions of this by-law;
 - (h) memorial work must be completed before being brought into the cemetery, unless the responsible cemetery official agrees otherwise; and
 - (i) consent to carry out the memorial work may be refused where, in the opinion of the City, the work or the proposed inscription will be inferior, offensive or in poor taste.

- (2) The Responsible cemetery official must ensure that the work complies with the minimum specifications set by this by-law and may impose reasonable conditions before approving any memorial work.

56 TIME TO ERECT

- (1) Memorial work shall not be erected on a Saturday, Sunday or a public holiday or at any time between 15:00 pm and 07:00 am on weekdays.

57 TEMPORARY GRAVE MARKERS

- (1) A temporary grave marker may be placed on a grave immediately after interment.
- (2) A temporary grave marker must—
- (a) identify the deceased;
 - (b) be respectful in appearance;
 - (c) not create a safety hazard or obstruct maintenance activities; and
 - (d) comply with any reasonable requirements determined by the Responsible cemetery official.
- (3) A temporary grave marker shall be removed upon the erection of an approved memorial work or within such period as may be determined by the Responsible cemetery official.

58 REQUIREMENTS TO BUILD MEMORIAL WORKS

- (1) All memorial works must be constructed in accordance with plans approved by the City and shall comply with the dimensions prescribed in Table 1 in respect of all new cemeteries and new sections established after the commencement of this By-law. Existing cemetery sections shall continue to be regulated by the dimensions applicable at the time of their establishment unless otherwise determined by the City

Table 1: Memorial Work Dimensions

Table 1: Memorial Work Dimensions					
Cemetery Section		Grave Type	Base Dimensions	Headstone Thickness	Maximum Headstone Height (Excluding Base)
Adult Section	Berm	Single Grave	900 mm × 250 mm × 250 mm	80 mm – 100 mm	1 200 mm
Adult Section	Berm	Double Grave	2 200 mm × 250 mm × 250 mm	80 mm – 100 mm	1 200 mm
Child Section	Berm	Single Grave	600 mm × 250 mm × 250 mm	80 mm	900 mm

Adult Monumental Section	Single Grave	2 440 mm × 1 000 mm	Not Applicable	1 800 mm
Adult Monumental Section	Double Grave	2 440 mm × 2 100 mm	Not Applicable	1 800 mm
Child Monumental Section	Single Grave	1 500 mm × 900 mm	Not Applicable	As approved by the responsible cemetery official
Heroes' Acre / High-Profile Area	Single Grave	2 440 mm × 1 000 mm	Not Applicable	As approved by the responsible cemetery official

- (2) Where no maximum headstone height is prescribed in Table 1, the dimensions shall be determined by the responsible cemetery official upon approval of the memorial design.
- (3) No memorial work may be erected unless the plans and specifications have been approved by the City and all prescribed fees have been paid.
- (4) Except for the berm section where City will be responsible for the construction of berms, the following base construction specifications will apply for the erection of all memorial work:
 - (a) The existing ground shall be excavated to a depth of 250 mm and compacted in layers of 75 mm to achieve 95% Modified AASHTO density, using a plate compactor.
 - (b) A 250 mm thick, 25 MPa in-situ concrete base shall be constructed and cured for a minimum period of 72 hours by covering the concrete with suitable plastic sheeting or another approved curing method.
 - (c) The in-situ concrete base shall be finished with a smooth metal float to provide a level and uniform surface for the erection of the memorial work.

59 THE SUBSEQUENT BURIAL

- (1) Where memorial work is to be removed or altered for a second or subsequent burial, this must be done not less than 2 (two) working days before the burial, and the removal or alteration must be completed within 3 (three) months after the second or subsequent burial. The removal of memorial work is not the responsibility of the City, as it remains the property of the holder.
- (2) The City shall not be held liable for damage to, or theft of memorial work.

60 REQUIREMENTS FOR MEMORIAL WORK BERM SECTION

The following shall apply to memorial work and graves in any berm section:

- (1) Only vertical headstones erected on top of the berm section are allowed.
- (2) No memorial work may be constructed on the grave.
- (3) Headstones shall be erected on the concrete berms provided by the City save in the case of a temporary erection where the applicant shall indemnify the City against any loss and provide a foundation suitable to support the contemplated headstone until the City undertakes the installation of such berm.
- (4) All other stipulations applicable to memorial work, as set out in this by-law apply *mutatis mutandis* to the headstones erected in a berm section.

61 REQUIREMENTS FOR MEMORIAL WORK IN LAWN OR LANDSCAPE (AESTHETIC) SECTIONS

- (1) Any memorial work erected on a grave in a landscape section shall not exceed 500 mm in length, 500 mm in width and a minimum of 30 mm in thickness or be made of ferrous material. The memorial work shall be laid horizontal embedded to ground level on a suitable foundation.
- (2) An additional register to the burial register must be maintained for the lawn section. Such a lawn register must:
 - (a) be available to the public; and
 - (b) contain limited particulars of deceased persons who are buried in the lawn section.

62 INDECENT, INFERIOR OFFENSIVE OR OBJECTIONABLE MEMORIAL WORK

The City may, in compliance with sections 55(1) to 55(8) of this by-law, remove memorial work that in its opinion is indecent, inferior, offensive or objectionable, without paying compensation to the owner or any other person.

63 INSCRIPTIONS ON MEMORIAL WORK

- (1) Any memorial work on a grave must display the number assigned to the grave by the City in permanent and visible markings on the front left bottom corner of the memorial work.
- (2) The name of the maker, designer or erector of the memorial work, but no other particulars, may appear on the front right bottom corner of the memorial work.

- (3) The information written on the memorial work as set out in subsections (1) and (2) above may not exceed 50mm in size.

64 DISMANTLING OF MEMORIAL WORK

- (1) Where it is the opinion of the City that memorial work has become dangerous or unsightly, or has been erected or modified contrary to the provisions of this by-law, the City may give the holder 14 (fourteen) days' written notice, either by sending the notice to his last known address or by advertising the notice in a newspaper circulating in the area, to alter or remove the work at the holder's expense, failing which the City may alter or remove the work and claim the costs thereof from the holder, if possible.
- (2) Where memorial work has become so dangerous that immediate removal or alteration is required, the City may do so without notice to the holder and claim the costs from the holder. The holder must be notified as soon as possible if the holder's whereabouts are known.
- (3) Where the City alters or removes memorial work in terms of the provisions of subsection (1) or (2) above, it shall not be liable for compensation to the holder or any other person.
- (4) The City shall store any old or derelict memorials, which it removes within the cemetery at a site allocated for this purpose.
- (5) Subject to the provisions of this section, no person, other than the holder of the rights or a person authorised in writing by such holder, shall dismantle, alter or disturb any memorial work on a grave, and then only if the consent of the City has been obtained in terms of section 52.
- (6) Dismantled memorial work may be left only on the grave concerned or in such other place as indicated by the responsible cemetery official and must be removed from the cemetery within 7 (seven) days, but in the case of a second or subsequent burial, it may be left for no longer than 30 (thirty) days.
- (7) Any surplus material, rubbish, rubble concrete etc. resulting from the dismantling of any memorial work, shall be removed from the cemetery forthwith by the person responsible for such dismantling, immediately on completion of the work.
- (8) If a holder or person referred to in subsection (1), fails to re-erect dismantled memorial work within 30 (thirty) days after it has been dismantled or if such memorial work is left within the cemetery in contravention of subsection (6), the

City may give 30 (thirty) days' notice to such holder or person to re-erect such memorial work or to remove such memorial work from the cemetery, together with all rubble connected therewith at his own expense.

65 LANDSCAPE SECTION

The City may set aside the whole or a section of a cemetery as a landscape section in which:

- (1) the provisions pertaining to memorial works as contained herein will apply; and
- (2) graves may have lawns on them.

66 LAWN SECTION

The City may set aside the whole or a section of a cemetery as a lawn section in which:

- (1) no mounds or headstones will be permitted.
- (2) paces between graves may be smaller than otherwise prescribed.
- (3) graves may have lawns on them.

67 PLACING OF MEMORIAL WORK

- (1) The City may, after giving notice of not less than 30 (thirty) days to the holder, at any time, change or alter the position of any memorial work in any cemetery.
- (2) Where any memorial work has originally been placed in a certain position with the express consent of the City or the responsible cemetery official, any alterations of such position in terms of this section shall be executed at the expense of the City.
- (3) No one may fix or replace any memorial work during inclement weather or where the soil is in an unsuitable condition.
- (4) All activities relating to memorial work by the contractor within a 50m radius from a grave side where the funeral is taking place shall be terminated for the duration of such a funeral.

CHAPTER 9: CREMATION, CREMATORIA AND RELATED MATTERS

68 APPLICATIONS TO CREMATE

- (1) Application for authority to cremate a body shall be made to the Responsible cemetery official by no later than 15:00 on the day preceding the intended date of cremation and shall be accompanied by a receipt indicating that the prescribed fee has been paid.

- (2) No application for cremation shall be made on a Saturday, Sunday or on public holiday.
- (3) An application to cremate shall be made to the Cremation Officer by submission of the prescribed form together with the following documentation:
 - (a) a burial or removal order issued and endorse in terms of the Births and Deaths Registration Act, 1992 (Act No: 51 of 1992);
 - (b) a certificate by a medical practitioner;
 - (c) a confirmatory medical certificate; and
 - (d) an authorization to cremate certificate.
- (4) In the case of an unnatural death, an application for cremation must be accompanied by the order and certificates mentioned in subsection (3)(a), (b) and (d), together with a certificate issued by a magistrate following the relevant inquest.
- (5) The applicant for cremation must state on the application form:
 - (a) how the ashes must be disposed of; and
 - (b) whether the deceased had a communicable disease, pacemaker or other radioactive implant or treatment.
- (6) Cremation may take place on every working day between 09:00 and 14:00 except on a Saturday, Sunday or public holiday.

69 THE SPECIFICATION OF THE COFFIN

- (1) Coffins used for cremation shall not:
 - (a) exceed in its outside extreme dimensions a length of 2,14 m, width of 760 mm and depth of 610 mm.
 - (b) contain pitch or sawdust in any form;
 - (c) be constructed with external crosspieces or projections of any kind under the sole or on the bottom thereof;
 - (d) contain any metal safe, where necessary an interior lining of thin zinc sheeting;
 - (e) be embellished with handles, name plates or other decorations, which are not made of readily combustible material unless such embellishment can be easily detached without removing the cover of the coffin. Such removed embellishments shall be handed over to the responsible undertaker, but the

local authority shall not be liable for any loss of or damage to such embellishments.

70 EXPOSURE OF THE BODY

- (1) No body shall be removed from any coffin for the purpose of cremation, and a coffin shall not be opened in the crematorium except when directed by the Crematorium Officer or Crematorium Operator.
- (2) No body shall be cremated unless such a body is contained in a coffin.

71 THE REMAINS

- (1) A container for receiving the ashes shall be provided by the person applying to have the deceased cremated in terms of this by-law, unless such ashes are to be interred by the City. Such container shall have the full names of the deceased displayed thereon.
- (2) All waste generated from the cremation process, as well as ashes not advised for collection, shall be disposed of by the City, by interment in a grave, registered for this purpose.

72 MEMORIAL WORK IN AND AROUND CREMATORIA

- (1) Ashes may be deposited in a niche in the columbarium or garden of remembrance, subsequent to an application made to the responsible cemetery official is approved and on payment of the fee prescribed.
- (2) Identity plaques shall be affixed on a niche containing a deceased's ashes and the plaques must be made of a material approved by the responsible cemetery official.
- (3) The said plaques must be affixed to the niche containing a deceased's ashes within 60 (sixty) days of approval of the application, failing which the reservation of the niche or space shall lapse.
- (4) Identity plaques must be affixed simultaneously with the placing of the ashes in a niche.
- (5) The reservation of niches is not permitted, other than as contemplated in subsection (4) herein above.
- (6) Ashes and plaques may be removed only with the consent of the Cremation Officer, and the vacant niche will revert back to the City.

- (7) Flower holders may only be affixed to the plaque and will be subject to approval of the responsible cemetery official.
- (8) Identity plaques must be made according to specifications related to the various walls of remembrance at the different cemeteries.

CHAPTER 10: FUNERAL UNDERTAKERS

73 FUNERAL UNDERTAKERS

- (1) Subject to the provisions of the National Health Act, 2003 (Act No: 61 of 2003) (hereafter “the National Health Act”) no funeral undertaker shall enter into a contract to bury or cremate anybody in any cemetery or crematorium under the control of the City unless:
 - (a) the funeral undertaker is in possession of a certificate compliance issued by the municipality in terms of the National Health Act;
 - (b) the premises from which the funeral undertaker operates is zoned in accordance with planning for such a business; and
 - (c) all the requirements of a funeral undertaker and funeral undertaker’s premises in terms of the National Health Act have been complied with.
- (2) The City may, after giving reasonable notice to an undertaker of its intention to conduct an inspection, enter into and inspect the undertakers premise to enable it to determine whether the provisions of subsection (1) have been complied with.
- (3) The City reserves the right to refuse permission to any funeral undertaker to undertake business in any cemetery or crematorium under its jurisdiction if such undertaker is not in compliance with the provisions of this by-law and if the funeral undertakers is in default in respect of any payment due by him.
- (4) All undertakers must keep records of all bodies which they receive and of the burial orders for these bodies.
- (5) Any caretaker may refuse to bury a body presented for burial by an undertaker who has not complied with the provisions of this by-law provided that where a caretaker refuses such a burial, this is reported in writing to the City along with the reasons for refusal.
- (6) Funeral undertakers must abide by the provisions of this by-law and not obstruct responsible cemetery official in carrying out his duties.

74 DUTIES OF FUNERAL UNDERTAKERS

At a funeral, the undertaker must supply, erect, operate and remove all lowering equipment, under the control of the responsible cemetery official.

CHAPTER 11: MISCELLANEOUS MATTERS

75 PROHIBITED ACTS

- (1) No one may enter or leave a cemetery or crematorium except by the gateways provided for this purpose.
- (2) No one may, in a cemetery or crematorium, carry on or solicit business, leave tracts, hold any demonstration, play any sport or ball game or perform or allow to be performed any other act or activity which is not normally associated with a cemetery or crematorium, unless the consent of the City has been obtained. No other unorthodox rituals and religious functions may be performed inside the premises of the Cemetery
- (3) No one may damage, deface or remove any memorial work, grave, plant, building, fence or any other fixture or object in a cemetery or crematorium.
- (4) No one may sit, stand, walk on, draw on or write on any grave or memorial work in the cemetery.
- (5) No one may commit a nuisance or any other offensive act in a cemetery or crematorium, which will be out of keeping with the dignity of the cemetery or crematorium.
- (6) No animal shall be allowed in a cemetery or crematorium, without the consent of the responsible cemetery official. The only exception that will apply is a guide dog for someone who is visually impaired. Any animal found in a cemetery or crematorium without consent may be removed by the City.
- (7) Every person in a cemetery or crematorium shall be subject to the reasonable instructions or directions of the responsible cemetery official and may not disturb or obstruct any employee of the City in the execution of their duties.
- (8) No musical instrument may be played in a cemetery or crematorium without the prior consent of the responsible cemetery official. No music may be played that is unseemly or unsuitable to a funeral.
- (9) No firearms will be allowed in any cemetery or crematorium, except in the case of military funerals, in which case prior written consent of the responsible

cemetery official will be required. Only blank ammunition may be fired at the authorized military funerals.

- (10) No one may, without the prior consent of the responsible cemetery official, enter any area in a cemetery or crematorium that has been closed to the public by notice.
- (11) No one shall make a false statement or conceal any relevant fact in a form or other document required by this by-law.
- (12) No burial information may be communicated for business use.
- (13) No one shall bribe or offer any gratuity to any officer or servant of the City employed in or about any cemetery, and no such servant shall accept any bribe or gratuity.
- (14) No one shall interrupt or take away from his duties any workman, agent, contractor or labourer employed by the City in any cemetery.
- (15) No one shall obstruct, resist or oppose the responsible cemetery official in the course of his/her duty or refuse to comply with any order or request, which the officer is entitled to make under this by-law.
- (16) No person or organization may conduct business for financial gain in any cemetery without the written permission of the City.
- (17) No vehicle may be driven in a cemetery or crematorium property, in a reckless manner. Buses are recommended to park at open spaces or out Cemetery premises due to congestion
- (18) No using of boxes for ashes
- (19) No planting of trees in the cemetery except by a qualified horticulturist supervised and get permission from the manager .to minimize planting of wrong huge trees in the cemeteries.

76 COMPLAINTS

- (1) Complaints regarding cemeteries or crematoriums must be addressed to the Divisional Head: Parks and Cemeteries.
- (2) The City must give due regard to such complaints and take the necessary action, where appropriate.

77 DIRECTIONS BY RESPONSIBLE CEMETERY OFFICIAL

The responsible cemetery official may give directions, which must be heeded, as to:

- (1) the execution or quality of any work undertaken in a cemetery;
- (2) the parking of vehicles in or at cemeteries or crematoria;
- (3) the conduct of a ceremony or procession in a cemetery or at a crematorium
- (4) the placing of structures, chairs, voice amplification equipment and other equipment used for ceremonies or processions in cemeteries or crematoria; and
- (5) the volume and type of music that may be played during ceremonies or procession in cemeteries or at crematoria.

78 TARIFFS AND CHARGES

- (1) The fees payable for activities prescribed by this by-law shall be as approved by the City from time to time in terms of section 75A of the Municipal Systems Act.
- (2) In the event of a burial after hours because of religious beliefs or customs, the same tariff shall apply for funerals taking place during normal business hours.