

Roscommon County Council



CEMETERY BYELAWS 2008

Adopted by the members of Roscommon County Council on 23rd. February, 2009 and effective from 1st. April, 2009

ROSCOMMON COUNTY COUNCIL CEMETERY BYELAWS 2008

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

1. INTERPRETATION OF TERMS

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

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

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

“Coffin” shall include a casket.

“Gravespace” shall mean an area 2.75 m (9ft) long by 1.25m (4ft) (including 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, two or three gravespaces otherwise described as a single plot, double 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.

“Register” shall mean a written record of all interments in a cemetery and shall include a map or drawing showing each grave space numbered separately.

“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.

2. APPLICATION OF BYELAWS

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

3. CESSER OF EXISTING BYELAWS

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.

4. FENCING & DRAINAGE

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.

5. GRAVE SPACES

- i. 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.
- ii. Grave Spaces shall be laid out in double rows. A re-inforced concrete strip foundation 500mm X 250mm (beam) shall be provided centrally in the double row for the erection of headstones back to back.

6. SIZE OF GRAVE SPACES

The grave spaces for the burial of persons shall be 2.75m (9ft) long by 1.25m (4ft) wide.

7. PURCHASE OF BURIAL PLOT

- i. Application to acquire a burial plot in any cemetery shall be made to the Registrar of the Cemetery. On the making of an application sufficient detail should be provided so as to ensure future identification against the Register. The specified fee should accompany the application.
- ii. Plots are to be sold in lots of one, two or three grave spaces or such other number of spaces as family circumstances warrant.
- iii. Burial Plots shall not be purchased in advance of a bereavement.
- ~~iv.~~ All burial plots shall be sold in rotation.
- v. The Receipt issued in response to the application constitutes the owner's right of burial.
- vi. 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).
- vii. The selling of a burial plot to a third party is not permitted. However, the Council will facilitate those wishing to return ownership of an unused burial plot to the Council. The refund payable in respect of unused burial plots will be the original purchase price

8. OPENING OF GRAVE SPACES FOR FIRST INTERMENT

Each grave, when opened for the first interment therein, shall be sunk to a perpendicular depth as the nature of the sub-soil will allow but subject to such minimum depth that the lid or upper surface of the coffin shall be at least 1.22m (4ft) below the ordinary level of the ground.

9. OPENING OF GRAVES FOR SUBSEQUENT INTERMENTS

- i. No unwallled grave shall be re-opened 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.
- ii. No coffin shall be buried in any unwallled grave unless the lid or upper surface thereof shall be to a depth of at least 1.22m (4ft) below the ordinary level of the ground.
- iii. The Registrar must always be notified prior to the opening of the grave
- iv. 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.

10. MODE OF BURIAL

No internment shall be permitted in any cemetery, unless the body is enclosed in a coffin of wood or other sufficiently strong material.

11. INTERRUPTION OF INTERMENT

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

12. EXHUMATION

No body, nor the remains of any body, shall be exhumed or removed from one place of burial to another, without the prior written consent of the Council, and with such precautions as the Council may prescribe in conditions attached to the Licence. Any person who shall remove or assist in removing any such body or remains contrary to this bye law, or who shall neglect to observe the precautions prescribed in the conditions attached to the Licence for removal, shall be in breach of these byelaws.

13. REGISTER OF BURIALS

A 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 bye-laws rules called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned.

A printed copy of these bye-laws shall be kept constantly affixed to the Register.

14. ENTRIES IN THE REGISTER

Before the interment of any person in a cemetery, the Registrar shall, after due enquiry from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register, of the First Name and Surname, date of death, date of interment, age of the deceased, together with his or her last place of residence and such other information as may be provided for in the Register.

15. KERBS/FOOTSTONES ETC.

- 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.

16. FOUNDATIONS USING BEAMS

- i. 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.
- ii. 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.
- iii. No kerbs or footstones will be permitted in this case.

17. FOUNDATIONS WHERE BEAMS WILL NOT BE AVAILABLE

(This relates to older type cemeteries)

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/mm². 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 the foundation should be agreed with the Council before commencement of work.

18. ERECTION OF MONUMENTS

- i. 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.
- ii. A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1:20 shall accompany all such requests for approval.
- iii. The heights of any structure proposed shall not exceed 1.2m (5ft) above beam level, except in the case of a Celtic Cross where the height should not exceed 2.13m (7ft).
- iv. All structures shall have reinforced concrete bases with dowels.
- v. Base of plinth for flowers or headstones shall measure 1.2m (4ft) long x 450mm (1.5ft) wide x 100mm (4ins) high. The base may have two flower holders affixed to it.
- vi. Certificate of Permission must be available on demand by the Registrar or any Council Official.
- vii. The Council may at its discretion remove any item referred to in sub paragraph (i) above erected or placed in the cemetery without permission.

19. SUPERVISION OF WORKS

- 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 Council's 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, this work 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 the owner of the burial plot at the time of the completion of the works.

20. PERISHABLE AND UNSUITABLE MATERIALS

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 the case of the erection of a temporary monument.

21. REMOVAL OR REPAIR OF BROKEN HEADSTONES

The removal or repair of broken headstones is the responsibility of the burial plot owner. The Council may take down and remove any 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 disrepair, 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.

22. VISITORS

- i. Visitors to the cemetery and users of vehicles including the drivers of vehicles referred to hereunder shall enter or leave the cemetery only by means of the entrance and shall close the gate after entering and leaving to prevent trespass
- 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 animals other than guide dogs shall be allowed into the cemetery.
- v. No vehicles shall be allowed enter the cemetery with the exception of the funeral car, vehicles carrying disabled persons and vehicles used for the erection of headstones.
- vi. Only rubber tracked or rubber tyred mini-machinery shall be allowed in burial grounds for the purpose of opening and closing graves.

- vii. Where machines are employed in cemeteries all necessary insurances are to be provided to the Council by the owner of the plant.

23. DAMAGE TO OR DISTURBANCES IN A CEMETERY

- i. No person shall wilfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, kerb, 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 notice on any wall, or play any game or sport therein or unlawfully disturb any persons assembled in the cemetery for a burial or for the purpose of visiting or maintaining graves or erected or maintaining headstones nor shall commit any nuisance within the cemetery.
- ii. 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, where such times apply.

24. TREES

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

25. SHRUBS AND FLOWERS

- i. The planting of shrubs and flowers in lawn cemeteries is not permitted. However memorial flowers will be permitted on the headstone beam or plinth.
- ii. The planting of shrubs and flowers on burial plots in other cemeteries shall only take place within the boundary of the plot.
- iii. Flowers or wreaths placed on graves after burials have taken place shall be removed by the owners of plots or their representatives once a reasonable period of time has elapsed.
- iv. Flowers or wreaths removed from graves, shall not be disposed of within the cemetery.

26. CONTRAVENTION OF BYELAWS

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.

COMMENCEMENT DATE

These Bye-Laws shall come into operation on 1st. April, 2009.

MADE pursuant to Part 19 of the Local Government Act 2001 by the Council
on 23rd. February, 2009

PRESENT when the Seal of The Council was affixed hereto :

Director of Services

Nominated Employee