



Limerick City and County Council
Cemeteries Bye-laws 2015

Made by Limerick City and County Council under the Local Government Act, 2001 (as amended) for the regulation of Cemeteries in the administrative area of Limerick City and County.

Short Title 1. These Bye Laws may be cited as Limerick City & County Council (Cemeteries) Bye-Laws, 2015

Interpretation of terms 2. Throughout these Bye-laws the use of the following terms shall have the following meaning:

"The Council" shall mean Limerick City and County Council.

"Cemetery" shall mean any cemetery, graveyard or burial ground or similar place of interment for human remains within the functional area of the Council.

"Council Cemetery" shall mean any cemetery, graveyard or burial ground under the operational control or in the ownership of the Council.

"Private Cemetery" means any cemetery other than a Council cemetery.

"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 of gravespaces shall be maintained as grassed areas.

"Caretaker" shall mean the Caretaker/Superintendent/Registrar at the time of any cemetery being under the control or in the ownership of the Council.

"Cemetery Manager" shall, in respect of a cemetery which is not a Council cemetery, mean the person responsible for the management of the cemetery.

"Plot" shall mean an area of a cemetery consisting of one, two or three gravespaces otherwise described as a single, double or a family plot.

"Annual Maintenance Plots" shall mean gravespaces in a designated cemetery or designated area, that are designated for the erection of large or small monumental headstones or larger sized graves. Gravespaces in this area will incur annual maintenance fees payable on the 1st February each year due to the additional maintenance costs of maintaining non-lawn cemetery area.

"Coffin" shall include caskets and other receptacles for holding the body.

"Member of the same family" shall mean the father, mother, husband, wife, partner, son, daughter, sister, brother, partner of the person last interred in a specific gravespace, or some person who was permanently residing with the person last interred therein, at the time of that person's death

"Right of burial" means the right to be interred in a particular gravespace under these bye-laws or otherwise.

"Burial Rights Owner" shall mean a person who has acquired a right of burial in a gravespace whether under these Bye-laws or otherwise.

"Beam/foundation" means foundation for headstone.

Application of Existing Bye-laws

3. Bye Laws 1 to Bye Law 18 shall apply to all cemeteries in the functional area of the Council. Bye Laws 19-44 shall apply to all Council cemeteries.

Commencement

4. These Bye Laws shall come into operation on the 7th December, 2015.

Cessation of Existing Bye Laws

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

Human Remains

6. Only human remains and cremated human remains shall be interred in a Cemetery.

First Interment

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

Mode Of Burial

- 8.
- I. Subject to (II) below, no interment shall be permitted in any cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to interment, unless the body is enclosed in a coffin of wood or other sufficiently strong material, except cardboard, as agreed with the Council in writing.
 - II. Uncoffined burials may be permitted, unless a direction has been issued not to do so by the relevant sanitary authority or medical officer of health of the sanitary authority, in an area of a burial ground designated exclusively for that purpose. Where an uncoffined burial is permitted, any reference in these provisions to a coffin includes a reference to the wrappings of the uncoffined body.

Cremated Remains

- 9.
- I. Cremated remains may be interred in an urn or small casket or other approved containers in conventional gravespaces or gravespaces for cremated remains.
 - II. The Council may also provide columbarium walls or other facilities for cremated remains.
 - III. Full details of the deceased person's cremated remains must be recorded in the burial ground register.

Opening of Graves

- 10.
- I. The Caretaker or, where applicable, the Cemetery Manager must always be notified prior to the opening of a grave.
 - II. No grave, in which any body has been interred, shall be opened, save for the purpose of interment or exhumation or the erection of a tombstone or headstone, without the written permission of the Council which must be produced in advance to the Caretaker or where applicable, the Cemetery Manager.
 - III. No un-walled burial plot shall be re-opened within fourteen years after the burial of a person unless a layer of not less than 250mm (10 ins) in depth shall be left undisturbed above the previously buried coffin or casket; but if on re-opening any gravespace the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the gravespace.

Depth of burial shall be in accordance with Bye Law 11.

- IV. In cemeteries, where Council employees are not employed to open/close graves, a gravespace owner shall employ his own workmen to carry out such works. Such workmen shall comply with such conditions as may be specified from time to time by the Council. Any person contravening this Bye Law shall immediately leave the cemetery on request and shall not enter without the permission of the Council.

Depth of Burial

11.
 - I. The Council reserves the right to determine the capacity of each grave space and cannot be held responsible for the capacity of any grave space unless a depth test is carried out.
 - II. No coffin shall be buried in any un-walled grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.2m (4ft) below the ordinary level of the ground in the cemetery, unless otherwise agreed with the Caretaker/Cemetery Manager.
 - III. Permission of the Council must be sought to install pre-cast concrete vaults.
 - IV. In older cemeteries, the depth of pre-existing burials shall be established by probing.

Interruption of Interment

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

Exhumation

13. No body, or the remains of any body including cremated remains, shall be removed from one place of burial to another, or exhumed without the prior written consent of the Council, and with such precautions as such Authority may prescribe as the condition of such Licence. Any person who shall remove or assist in removing any such body or remains contrary to this Rule, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these Bye Laws.

Visitors

- 14.
- I. Visitors to a cemetery shall enter and leave the cemetery only by means of the entrance. A visitor shall close and re-secure any gate he/she opens at a cemetery.
 - II. Visitors shall not walk on any of the shrubberies, gravespaces or enclosures but shall confine themselves to the paths or avenues therein where provided.
 - III. Visitors shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the cemetery.
 - IV. Save as set out at (V) below no person shall allow or cause a dog or other animal to enter a cemetery.
 - V. Guide dogs accompanying persons with visual impairment are permitted to enter a cemetery
 - VI. No vehicles shall be allowed enter the cemetery with the exception of funeral cars and vehicles or wheelchairs carrying disabled persons. Maintenance vehicles will be allowed by prior permission of the Caretaker or where applicable, the Cemetery Manager.

Misconduct

15. The Caretaker or, where applicable, the Cemetery Manager 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.

All persons shall conduct themselves in a decent, quiet and orderly manner while in a cemetery and no person shall:-

- I. Wilfully create any disturbance in a cemetery.
- II. Commit any nuisance in a cemetery.
- III. Wilfully interfere with any burial taking place in a cemetery.
- IV. Wilfully interfere with any gravespace or vault, any tombstone or any other memorial or any plants on any such gravespace.

- V. Play at any game or sport in a cemetery.
- VI. Ride a bicycle, skateboard or other similar machine in a cemetery.
- VII. Cause damage to headstones.
- VIII. Dump waste, litter or cause fly tipping.
- IX. Permit trespass by animals

Register of Burials

- 16. A proper Register of Burials shall be kept at all times in some convenient place at or near the cemetery, the cemeteries office or at the place of residence of the Cemetery Caretaker and shall be available for inspection at all reasonable times; but no person, except the person having the care and management of the cemetery, shall be permitted to write in the Register of Burials save as hereinafter mentioned.

A printed copy of these Bye Laws shall be kept affixed to the Register of Burials at all times.

Entries in Register:

- I. Before the interment of any person or their cremated remains in a cemetery, or before admission into such place of reception as aforesaid, the Caretaker or Cemetery Manager shall, after due enquiry as to the facts from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register, in plain and legible characters, under its proper headings, and in numerical order, of the first name and surname, time of death, sex, age, religious persuasion, and occupation or rank in life of the deceased, together with his or her last place of residence, and condition, as whether "married", "single", "divorced", "separated", "widower"/"widow", "partner" or "the child of -", or such other information as would adequately identify the remains.
- II. After the interment due entry shall be made under its proper heading of the distinctive mark of the grave; and the signature of the person having the management of the interment shall be affixed in the last column but one, in token of the accuracy of the foregoing statements; and such signature shall be attested by the signature of

the Caretaker, or where applicable, the Cemetery Manager in the last column.

- III. Any such person wilfully refusing to give to the Caretaker or where applicable, the Cemetery Manager information as to the matters aforesaid, or to affix his signature as aforesaid, shall be in breach of these Bye Laws.

Fencing

- 17. Every cemetery shall be kept sufficiently secured.

Gravespaces

- 18.
 - I. In all new cemeteries, 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. In all new cemeteries, a corresponding map or maps of the cemetery shall be constantly kept in some convenient place, at or near the cemetery, and shall be made available for inspection by all persons. On such map or maps every gravespace shall be shown with its distinctive mark inscribed thereon, i.e. section, row and number.

Purchase of Burial Plots

- 19. Application to acquire a burial plot in any cemetery shall be made to the Council. The application shall include the name and address in sufficient detail to ensure future identification against the Register, and also the specified fee. The applicant shall pay, when requested, to the Council any fees in respect of the acquisition of a burial plot and the receipt/deed issued constitutes right of burial. The Chief Executive Officer shall set, from time to time, the fees in respect of the acquisition of a right of burial in a cemetery.
 - I. The acquisition of a right of burial in a cemetery does not allow the erection of a headstone without a separate application being made to the Council under the provisions of Bye Law number 23.
 - II. The selling of a right of burial in a cemetery to a third party is not permitted. However, the Council may facilitate those wishing to return ownership of a right of burial to the Council. A right of burial may be transferred to a member of the same family.

*Sandblasting of
old Headstones*

20. Sandblasting or polishing of old headstones may weaken the headstone. Approval must be sought from the Council prior to any sandblasting or polishing works being carried out to old headstones (pre 1900AD). The Council may issue guidelines in respect of cleaning old graves.

Trees

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

*Gravespace
Management*

- 22.
- I. The planting of shrubs or flowers, and placing of ornaments on gravespaces in lawn cemeteries is not permitted.
 - II. In older cemeteries the planting of flowers on gravespaces shall only take place where the gravespaces are already enclosed by kerbs.
 - III. It shall be the responsibility of the owners of gravespaces or their representatives to remove any flowers or wreaths placed on graves within six weeks of interment. Artificial flowers shall be removed at this time also.
 - IV. Memorial flowers will be permitted on the headstone beam or plinth.
 - V. Cemetery staff may move/remove items at their discretion to ensure good management of the cemetery.

*Erection of
Monuments*

- 23.
- I. An application form to erect a headstone or to replace an existing headstone must be submitted to the Council.
 - II. A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1 is to 20 shall be included with application form for approval.
 - III. All structures shall have reinforced concrete bases with dowels, specifications of the dowels to be included on the application.
 - IV. The heights of any structure proposed shall not exceed 1.2m (4ft 6ins) above beam level.
 - V. An exception in the case exists where a Celtic Cross is permitted once it does not exceed 2.13m (7 ft) in height.

- VI. The base of plinth for flowers or headstones for a single plot shall measure a maximum of 1.2m (3ft 10ins) long x 254mm (10ins) high.
- VII. 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 by an Official of the Council.
- VIII. Height restrictions apply in the case of lawn cemeteries, new cemeteries and extensions to existing cemeteries. In the case of existing cemeteries, exceptions are by written permission only. The number of the grave space shall be clearly identified on the face of the headstone base.
- IX. A Headstone Permit to erect a tomb, monument, vault, tablet or permanent structure of any description must be available for inspection by any Council Official on demand.
- X. The Council may at its absolute discretion remove a headstone or any permanent structure which has not been erected in accordance with the terms of its headstone permit or in cases where a headstone permit has not been obtained.

Perishable and unsuitable materials

- 24. The use of materials of a perishable nature such as timber, ironwork or the like as part of any monument or structure in any cemetery will not be permitted, except in cases of the erection of a temporary monument. Temporary monuments would be for a period of less than 12 months.

Kerbs/ Footstones Etc

- 25.
 - I. Where any cemetery or part of a cemetery has been provided and developed as a lawn cemetery, no kerbstones/footstones of any description will be permitted.
 - II. In any cemetery, other than a lawn cemetery, where the layout is such that the Council may specify 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.

- III. Railings, chains and wind chimes are not permissible on gravespaces or monuments. No monument or fences constructed of plastic, wood, glass, ferrous metals or tiles shall be permitted.

Foundation using Beams

26. In any cemetery where headstone beams have been provided at any time, the headstone or any other type of monument being proposed shall be erected using the appropriate headstone beam as the foundation. Stainless steel dowels of appropriate length should be used.

Foundation where Beam will not be available.

27. 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 gravespace, which it is enclosing. Full details of construction of beam should be agreed with the Council before commencement of work.

National Monuments

28. Where a Burial Ground is located within or in the vicinity of a National Monument or within or in the vicinity of a location which is noted in the Record of Monuments and Places or a structure which is entered in the Record of Protected Structures, any monument erected in such a Burial Ground shall be in keeping with the character of such National Monument, Recorded Monument, Protected Structure and subject to the following guidelines:

- I. No new grave space within the church building or ruin.
- II. No new grave space within a minimum of 2m from the church building or ruin.
- III. Any new headstone on an existing grave space within 2m of the church building must be of limestone and cannot exceed (including the foundation beam) 750mm in height. In cases of nationally important buildings this

height may be further reduced to 500mm.

- IV. A beam may be placed on a double grave plot for the full width of the plot at the headstone end but no other kerbing or surrounds may be attached to the grave.
- V. Beyond the immediate area 2m of the church building or ruins the headstone should preferably still be of limestone and should be of an appropriate design.
- VI. No kerbs should be attached and the cover of the burial plot should be of grass.
- VII. No works shall be carried out to any standing masonry ruins or masonry walls, or other structures without prior consultation with the Council and in compliance with all applicable statutory procedures and requirements.

Supervision of works

- 29. All works in erecting monuments or the like carried out in the cemetery are subject to supervision and control of the Cemeteries Caretaker or Cemeteries staff. The permit to erect a headstone must be available on request for inspection. The dumping and mixing of sand, gravel and cement for making concrete will not be permitted on paths or unprotected ground, and must be carried out on portable platforms. All surplus materials left over when the work has been completed must be removed from within the confines of the cemetery by the contractor or the owner of the gravespace at the time of the completion of the works.

Removal of broken or other monuments

- 30.
 - I. The removal of broken or other monuments is the responsibility of the gravespace owner. The Council may take down and remove any monument, headstone, kerb, tablet or any other object which may have been placed at any time within the cemetery, either with or without authority, which may have fallen into decay, or which in the opinion of the Council is not being maintained or has become a nuisance, health and safety risk or a danger to users of the cemetery. In such cases, the Council may recover the cost of any such removal from the gravespace owner(s) or their representative by a simple contract debt. If all reasonable efforts to contact the owner of the gravespace are unsuccessful, the Council will publish details of gravespaces which are not maintained to a satisfactory Health & Safety standard in

local newspapers. If the published grave space is not attended to within the prescribed time frame the Council shall take steps to remedy the grave. No further burials shall take place in the grave until the full cost of repairs and maintenance are repaid to the Council.

- II. Notwithstanding what is stated at Bye Law 30(l) above the same shall not confer any right on the Council and/or the burial rights owners to move or otherwise interfere with ancient headstones, footstones or other such feature within the vicinity of a National Monument or other place included in the Register of Monuments and Places.

Responsibility of grave owners / those with Title to the Grave.

31. The grave owner must visit or charge a representative with the responsibility to inspect the grave and arrange to weed and remedy any health and safety risks.

Annual Maintenance Plots

32. The Council may designate a cemetery or area of a cemetery as an area to meet demand for Annual Maintenance Plots. "Annual Maintenance Plots" shall mean gravespaces in a designated cemetery or designated area that is designated for the erection of outsized monumental headstones or larger sized graves. Gravespaces in this area will incur annual maintenance fees payable on the 1st of February each year due to the additional maintenance costs of maintaining non-lawn cemetery area.

Selling Articles

33. No person shall sell or offer or expose for sale any articles, commodity or thing of any kind whatsoever or solicit for orders from the public within the cemetery. Any person soliciting orders within the cemeteries for the erection or repair of memorials will be required to leave the cemeteries and will not be admitted again without the permission of the Council.

Television and Cameras

34. The use of still, cine and television cameras shall not be used to photograph mourners or any part of a funeral cortege within the cemetery, without the prior consent of the Council and the immediate family. This however, does not preclude the Council from installing and maintaining Close Circuit Television (CCTV) for the purposes of security and public safety.

Walled Burial

35. All walled plots and vaults must be kept in repair by the burial

Plots

rights owner.

*Health and
Safety
Legislation.*

36. All persons carrying out work within a cemetery will have due regard to and shall comply with the provisions of the Health and Safety Legislation.

*Works in
Cemetery*

37. No persons shall engage in works in any Cemeteries except where expressly requested by the Council (including sculptors, landscape and landscape workers) without prior permission from the Council and without paying the prescribed fees and required public liability insurances.

Damage

38. Any damage done to lawns, gravespaces, walls, drives, trees, shrubs or other property by non-cemetery workers must be repaired by those persons causing such damage.

*Monument
Sculptors and
Stonemasons*

- 39.
- I. Any monument sculptor or stonemason wishing to carry out work in any cemetery in the functional area of Limerick City and County Council, must be registered with the Council and hold an annual work permit. The annual work permit is due for renewal on the 1st January each year and may be subject to a registration fee.
 - II. The Council may from time to time set conditions for admission to its Register of Authorised Monument Sculptors and conditions for maintaining an entry in the Register of Authorised Monument Sculptors.
 - III. The Council may set rules and regulations in respect of;
 - Insurances to be held by a monument sculptor
 - Competence and work record of a monument sculptor
 - IV. All monument sculptors shall comply with such rules and regulations as may be introduced by the Council concerning the provisions referred to in 39(III).
 - V. The Council may remove a monument sculptor from the Register of Authorised Monument Sculptors if;
 - The monument sculptor erects, or assists in the erection of, a monument in a Council cemetery where

the erection of such monument has not been authorised in writing by the Council or where it has not been erected in accordance with the terms of permit.

-The monument sculptor fails in the opinion of the Council to carry out his work in a safe manner,

-The monument sculptor fails in the opinion of the Council to work in a tidy manner within the Council cemetery.

-The monument sculptor does not abide by the Bye Laws.

VI. Before the Council removes any monument sculptor from the Register of Authorised Monument Sculptors it will offer them the opportunity to make any representations considered necessary in accordance with the principles of natural justice.

Writing on Monuments

40. No person shall write any word or symbol upon any monument which would give rise to public offence.

Enforcement

41. It shall be lawful for any employee of the Council or for any member of the Garda Síochána to enforce these Bye Laws and to exclude or remove from a Cemetery any person committing any breach of the above Bye Laws and to take any other such action as may be deemed necessary in the enforcing of these Bye Laws.

Contravention of Bye-laws

42. A person who contravenes a provision of these Bye Laws shall be guilty of an offence and shall be liable on summary conviction in the District Court to a fine not exceeding €2,500.00.

Fixed Payment Notice

43. I. If an authorised person, including any member of An Garda Síochána, has reasonable grounds for believing that a person is committing a contravention or has committed a contravention of a provision of these Bye Laws the authorised person may give to the person a fixed payment notice as prescribed by the Local Government Act, 2001 Section 206, as amended by the Local Government Reform Act, 2014 stating;

a. that the person is alleged to have committed the contravention,

- b. that the person may during the period of 21 days beginning on the date of the notice, make to the City & County Council a payment of €75.00 accompanied by the notice, and
 - c. that a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged contravention will be instituted.
- II. Where a notice is given under subsection (I)-
- a. a person to whom the notice applies may, during the period specified in the notice, make to Limerick City & County Council the payment specified in the notice, accompanied by the notice,
 - b. Limerick City & County Council shall receive the payment and issue a receipt for it and may retain the money so paid and no payment so received shall in any circumstances be recoverable by the person who made it, and
 - c. a prosecution in respect of the alleged contravention shall not be instituted in the period specified in the notice and, if the payment specified in the notice is made during that period no prosecution in respect of the alleged contravention shall be instituted.
- III. In a prosecution for a contravention referred to in subsection (I), the onus of showing that a payment pursuant to a notice under this section has been made shall lie on the accused.

*Service of
Notices*

44. Any notice required to be served by or under Bye Law 43 of these Bye Laws shall be served in one of the following ways-
- I. by delivering it to the person,
 - II. by leaving it at the address at which the person ordinarily resides,
 - III. by sending it by post to the person at the address at which the person ordinarily resides,
 - IV. by sending it by post in a prepaid registered letter

addressed to the person at the address at which the person ordinarily resides,

- V. if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to the person to, that address.

STATEMENT
OF WORKS
AND
MATERIALS

The Seal of Limerick City and County Council was affixed hereto by:



Whihave

Director of Service/Approved Officer

3/12/2015.
Date

Authenticated By:



Cherry O'Leary

Senior Executive Officer, Corporate Services

8/12/2015
Date

Schedule 1

LIMERICK CITY & COUNTY COUNCIL

Cemetery Bye Laws 2015

FIXED PAYMENT NOTICE FOR THE PURPOSES OF

SECTION 206 OF THE LOCAL GOVERNMENT ACT, 2001

And associated LOCAL GOVERNMENT (Bye Laws) REGULATIONS

Limerick City and County Council,

To: Name: _____

Address: _____

It is alleged that you have contravened the provisions of Bye Laws made under Part 19 of the Local Government Act, 2001 entitled Cemeteries Bye Laws 2014

by.....

..... (in general terms specify nature of contravention) at

..... on During the period of 21 days beginning on the date of this Notice you may pay the sum of €75.00, accompanied by this Notice, at the offices of Limerick City and County Council.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 is paid during that period, no prosecution will be instituted at any time.

Signed Date

(Authorised Person)

Important: Payments can be made by credit/debit card and will be accepted at the offices of the Limerick City and County Council and must be accompanied by this notice. A receipt will be given. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in court.

