

NELSPRUIT TOWN COUNCIL

CHAPTER 1

Definitions

In these by-laws, unless the context otherwise indicates: -

"adult" means a deceased person over the age of 12 years;

"ashes" means the cremated remains of a body;

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

"body" means the remains or any portion thereof of any deceased person;

"cemetery" means any land or part thereof within the municipality duly set aside by the Council as a cemetery;

"child" means a deceased person who is not an adult;

"container" means an urn for the keeping of the ashes of a deceased person in a memorial wall;

"Council" means the Nelspruit Town Council's Executive Committee acting under the powers delegated to it in terms of section 58 of the Local Government (Administration and Election) Ordinance, 1960 (Ordinance No. 40 of 1960,) and any officer of the Council to whom that Committee has been empowered by the Council in terms of subsection (3) of the said section to delegate and has in fact delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes any place set aside by the Council for the cremation of a body;

"garden of remembrance" means a section of a cemetery or crematorium, excluding a columbarium, set aside by the Council for the erection of memorial work to commemorate a deceased person whose body was cremated and for the placing of ashes;

"landscape section" means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 27;

" memorial section" means a cemetery or section of a cemetery which is not a landscape section or a lawn section;

" memorial wall" means a wall in a crematorium or cemetery provided for the placement of ashes and/or inscribed tablets commemorating deceased persons who have been cremated;

" memorial work" means any headstone, monument, plaque or other similar work or portion thereof erected or intended to be erected in any cemetery or crematorium commemorating a deceased person and includes a kerb demarcating any grave and a slab covering any grave;

"municipality" means the area under control and jurisdiction of the Council as well as any outside area contemplated in section 7(b) of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

"niche" means an opening in a memorial wall for the placing of a container;

"non-resident" means any person who at the time of his death was not a resident;

"officer in charge" means any person authorised by the Council to be in control of any cemetery and in the case of a crematorium, the registrar of such crematorium;

"Ordinance" means the Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965);

"plot" means any area laid out in any cemetery for not less than two and not more than ten graves adjoining each other, in respect of which the exclusive right to enter has been acquired in terms of these by-laws;

"registrar of deaths" means any person appointed as registrar of deaths in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963);

"regulation" means a regulation published in terms of the Ordinance;

"resident" means any person who, at the date of his death ordinarily resided in the municipality or who for at least six months immediately prior to such date was the owner of fixed property in the municipality;

"security forces grave area" means a section in a cemetery set aside for the internment of deceased members of the security forces of the Republic of South Africa;

"tariff" means a tariff of charges as determined by the Council from time to time, by special resolution, in terms of section 80B of the Local Government Ordinance, No. 17 of 1939;

"working hours" from Monday to Friday as determined from time to time by the Council to be normal working hours.

CHAPTER II

INTRODUCTION

Establishment of cemeteries

2. Any ground can be set aside by the Council for a cemetery and no person shall inter a body or cause it to be interred in any other place within the municipal area.

Disposal of a body

3. No person shall, save with the prior written consent of the Council, dispose of or attempt to dispose of a body, other than by internment in a cemetery or cremation in a crematorium.

CHAPTER III

INTERNMENTS

Permission to inter and placement of container with ashes

- 4.1 No person shall inter a body in any cemetery, cause it to be so interred, cause a body to be cremated or place a container with ashes without the permission of the officer in charge or without arranging a date and time for the internment or placing with such officer.
- 4.2 Such permission shall not be granted unless -
 - (a) a burial order in terms of the Births, Marriages and Deaths Registration Act 1963, has been issued and produced to the officer in charge;
 - (b) an application in terms of section 5 has been submitted;

(c) the applicable charge is paid.

4.3 in considering the granting or refusal of the permission referred to in subsection (1), the officer in charge shall have regard to the rights and safety of the people making use of the cemetery, and the officer in charge, should he grant such permission, set the conditions that he regards necessary in order to protect the aforesaid rights and safety.

Application for internment

5.1 Any person desiring to have a body interred shall, subject to the provisions of subsection (2) and (3), submit to the officer in charge an application completed in the form set out in Schedule A to these by-laws, signed by the nearest surviving relative of the deceased person or person authorised by such relative, or if the officer in charge is satisfied that the signature of such relative or person authorised cannot be obtained timeously, the signature of any other person who satisfies the officer in charge as to his identity and interest in the internment concerned.

5.2 Every application for internment shall be submitted at least twelve working hours before such internment.

5.3 Notice of any postponement or cancellation of any internment shall be given to the officer in charge not later than six hours before the internment was to have taken place.

Internment only in allotted grave

6. Subject to the provisions of these by-laws, no internment shall take place in any grave not allotted by the officer in charge.

Transfer or disposal of rights

7.1 Any holder of a grave may in writing, after obtaining written permission from the officer in charge, transfer his rights in respect of a private grave to any person: Provided that no such transfer shall be valid unless -

(a) a copy of the document effecting the transfer has been furnished to the officer in charge; and

(b) the appropriate charge as determined from time to time by the Council, has been paid.

7.2 If by reason of the death or permanent absence from the Republic of South Africa of an applicant contemplated in section 5(1) or the holder of a grave, or for other good cause, the Council is satisfied that such person will not be exercise his rights to have a public grave converted into a private grave or that he will not exercise his rights in respect of any private grave, the Council may dispose of such grave to any other person upon payment by such person of the appropriate charge.

Subsequent internment

8.1 Not more than two internment's may be made in any grave: Provided that a third internment may be made in such grave with the consent of the officer in charge if the grave has been deepened as contemplated in section 10 (1) (b).

8.2 Any holder of a grave desiring to have a body interred in a grave a second or third internment in such grave shall:-

(a) remove all memorial work on such grave at his own expense and comply with

any reasonable requirement of the officer in charge in respect of such removal;

- (b) after compliance with paragraph (a), give at least 24 hours written notice to the officer in charge in the form prescribed in Schedule A to these by-laws of such internment, which period shall be calculated exclusive of any Saturday, Sunday and public holiday.

8.3 The notice referred to in subsection (2) shall be accompanied by written proof of the title of the holder's rights to the grave concerned and by the appropriate charges prescribed.

Dimensions of graves, funerary urn, niche and space against a memorial wall

9. Subject to the provisions of section 10 -

- (a) in any cemetery existing at, and the planning and layout of which have been completed prior to, the commencement of these by-laws: --

9.1 *Nelspruit*

- (i) an adult's grave shall measure 2200 mm in length and 762 mm in width, at ground level; and have an excavation of 2432 mm;
- (ii) a child's grave shall measure 1370 mm in length and 452 mm in width, at ground level; and have an excavation of 1520 mm;
- (iii) a funerary urn shall measure 240 mm x 240 mm x 150 mm;
- (iv) a niche in a memorial wall shall measure 280 x 280 mm x 280 mm;
- (v) a grave in a garden of remembrance shall measure 500 mm in length, 300 mm in width and 500 mm in depth;
- (vi) the space for the fixing of a memorial work against a memorial wall shall be 350 mm X 350 mm.

9.2 *Kanyamazane*

- (i) an adult's grave shall measure 2200 mm in length and 762 mm in width, at ground level and have an excavation of 1824 mm;
- (ii) a child's grave shall measure 1370 mm in length and 452 mm in width at ground level, and have an excavation of 1520 mm;

9.3 *Matsulu*

- (i) an adult's grave shall measure 2200 mm in length and 762 mm in width, at ground level; and have an excavation of 1824 mm;
- (ii) a child's grave shall measure 1370 mm in length and 452 mm in width, at ground level, and have an excavation of 1520 mm;

9.4 *Rural areas*

- (i) an adult's grave shall measure 2200 mm in length and 762 mm in width, at ground level, and have an excavation of 1824 mm;
- (ii) a child's grave shall measure 1370 mm in length and 452 mm in width, at ground level; and have an excavation of 1520 mm;

Enlargement of excavation

- 10.1 Notwithstanding the provisions of section 9:-
- (a) if a coffin is too large to be accommodated within the excavation of a grave, such excavation may be enlarged to a size which will accommodate such coffin and must be indicated clearly on the form of Schedule A;
 - (b) a private grave may be deepened at the request of an applicant contemplated in section 5 so as to permit the interment in such grave of a third body;
- 10.2 If the excavation of a grave is to be enlarged, or deepened as contemplated in subsection (1), the officer in charge shall be notified accordingly, at least 12 hours before the interment; which period exclude any Saturday, Sunday and public holiday, and such notice shall be accompanied by payment of the appropriate charge determined by the Council from time to time.

Covering of a coffin

- 11.1 There shall be at least 1200 mm of soil between any adult's coffin and the surface of the ground, and a least 900-mm of soil in the case of a child's coffin;
- 11.2 At least 300 mm of soil shall be placed over any coffin immediately after interment;

Construction of coffin

12. No coffin intended to be placed in a grave shall be constructed of any material other than natural timber or other decomposable material.

CHAPTER IV

FUNERALS

Religious or memorial services

13. Subject to the directions of the officer in charge, a religious ceremony or memorial service may be conducted in any cemetery.

Control of hearses

14. No person shall within a cemetery, drive a hearse or cause any hearse to be driven elsewhere than on a demarcated driveway, or leave or detain any hearse in such roadway after removal of the coffin from such hearse.

Conveyance of bodies

15. No person shall in any street, cemetery or other public place convey a body in an unseemly manner or convey it in such a manner that the body or any part thereof is visible from outside the vehicle in which it is conveyed.

Compliance with instructions at funerals

16. Any person taking part in a funeral, funeral procession or ceremony within any cemetery shall comply with any reasonable instruction of the officer in charge.

Funeral hours

Nelspruit

- 17.1 Funerals may take place on Saturdays or Sundays and public holidays at no extra cost;
- 17.2 On condition that the booking is made during normal office hours and on the conditions as stipulated in 5.2 Provided that no such charge shall be payable in respect of a burial of Moslems, if the applicant assumes full and exclusive responsibility for filling the graves, and the grave is filled to the satisfaction of the officer in charge.

Kanyamazane, Matsulu and the Rural areas of Nelspruit

- 17.1 Funerals may take place on Saturdays or Sundays and public holidays at no extra cost;

CHAPTER V

REOPENING OF GRAVES AND EXHUMATIONS

Conditions of exhumation

- 18.1 No person shall:-
- (a) exhume or cause to be exhumed any body without the prior written consent of the Council and the approval of the Administrator of the Transvaal in terms of the Removal of Graves and Dead Bodies Ordinance, 1925 (Ordinance No. 7 of 1925);
 - (b) exhume or cause to be exhumed any body during any period when the cemetery is open to the public.
- 18.2 if remains are to be exhumed from any grave, the officer in charge shall cause the grave to be excavated for such exhumation but shall not, except as provided by section 19, remove any body from the grave.
- 18.3 If a grave is required to be excavated for exhumation, the officer in charge shall be given at least 48 hours written notice of the proposed exhumation and such notice shall be accompanied by the appropriate charge as determined by the Council from time to time, as well as the consent and approval contemplated in subsection (1).
- 18.4 The grave from which any body is to be exhumed shall be effectively screened from view during the exhumation, and the person carrying out such exhumation shall provide a suitable receptacle for the body.
- 18.5 The person carrying out such exhumation shall ensure that the body and grave are properly disinfected and deodorised.

Re-internment by the Council

19. If, in the opinion of the Council, the exhumation of any body is advisable or necessary, or if a body has been interred in a grave in contravention of these by-laws, the Council may, subject to the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925, cause such body to be exhumed and re-interred in another grave: Provided that whenever possible a relative of the deceased person shall be notified at his last known address of the intended re-internment, and such relative shall be entitled to attend such re-internment.

CHAPTER VI

CARE OF GRAVES

Gardening of graves and objects on graves

- 20.1 No person other than the Council shall garden any grave.
- 20.2 (a) No person shall erect, place or leave upon a grave any object or decoration, except during the first twenty-eight (28) days following the interment therein.
- (b) Notwithstanding the provisions of paragraph (a), natural or artificial flowers and the receptacles in which they are contained may be placed on a grave at any time: Provided that on a grave with a berm natural or artificial flowers may only be placed as contemplated in section 25 (e).
- (c) The officer in charge or any member of his staff may remove natural or artificial flowers and any receptacle or object or decoration placed on a grave, when they become withered, faded or damaged, or after the period contemplated in section 20 (2) (a) has expired.

CHAPTER VII

MEMORIAL WORK

Erection or re-erection of memorial work

- 21.1 No person shall, without the prior written consent of the officer in charge, erect any memorial work in any cemetery or crematorium, or bring any material into any cemetery or crematorium for the purpose of erecting, altering or repairing any memorial work.
- 21.2 Application for consent in terms of subsection (1) shall be made at least ten working days before the proposed date of the erection to the officer in charge. Said application shall be accompanied by a plan in detail of the memorial work as well as the proper charge as determined by the Council from time to time.
- 21.3 If memorial work is removed for additional inscription or other amendments thereto, the provisions of subsection (2) shall mutatis mutandis apply.
- 21.4 Save with the permission of the officer in charge, no work on any memorial work shall be performed in a cemetery on a Saturday, Sunday or a public holiday, or at any time after normal working hours.
- 21.5 No person shall erect or re-erect any memorial work within six months after the interment, or when the ground in the opinion of the officer in charge, is in an unsuitable condition.
- 21.6 The person in charge of the erection or re-erection of any memorial work shall produce the written consent referred in subsection (2), at the request of the officer in charge.
- 21.7 No memorial work or material for use in connection therewith shall be conveyed in any cemetery or crematorium in such manner as may damage the paths or grounds or any other property of the Council in the cemetery.
- 21.8 Any surplus material, rubbish or rubble resulting from the erection or re-erection of any memorial work, shall be removed forthwith by the person responsible for such erection.
- 21.9 No memorial work shall be erected unless all the appropriate charges as determined by the

Council from time to time have been paid.

Inferior memorial work

22. The Council may prohibit the erection or re-erection of any proposed memorial work, which in its opinion is of inferior workmanship or quality of which is in any way likely to disfigure any cemetery or crematorium.

Inscriptions on memorial work

- 23.1 Memorial work on a grave shall on the base in the middle and a commemorative plaque on a grave in a garden of remembrance shall on the upper surface in the lower right hand corner, display a clear and permanent number assigned to the grave concerned by the officer in charge.
- 23.2 The only particulars of the manufacturer of memorial work, which may appear thereon, shall be his name, which shall be placed at the base of the memorial work, maximum size 25 x 50 mm.

Dismantling of memorial work

- 24.1 Subject to the provisions of this section, no person, other than the holder of a grave or a person authorised in writing by such holder, shall dismantle, alter or disturb any memorial work on a grave and such holder or person shall only do so with the prior permission of the officer in charge.
- 24.2 Dismantled memorial work shall not be left in any part of the cemetery except on the grave on which such memorial work had been erected: Provided that the officer in charge may, in the case of a second or subsequent internment in such grave, permit such memorial work to be left elsewhere in the cemetery for a period not exceeding 30 days after such internment.
- 24.3 If a holder or person referred to in subsection (1), fails to re-erect dismantled memorial work within six months after it has been dismantled, or if such memorial work is left within the cemetery in contravention with subsection (2), the Council may give 30 days' written notice to such holder or person requiring him at his own expense to remove such memorial work from the cemetery together with all rubble connected therewith.
- 24.4 If in the opinion of the Council, any memorial work has become a danger to the public or has been erected in contravention with these by-laws, or has become damaged, the Council may give written notice to the holder or person referred to in subsection (1), requiring him at his own expense, to render such memorial work safe or to alter such memorial work so that it complies with the provisions of these by-laws, or to dismantle and remove such memorial work from the cemetery together with all rubble connected therewith.
- 24.5 If such holder or person fails to comply with a notice in terms of subsection 24 (3) or (4), the Council may, without incurring any liability to pay compensation for damages -
- (a) re-erect the memorial work concerned; or
 - (b) dismantle and dispose of the memorial work concerned and remove any rubble connected therewith; or,
 - (c) render the memorial work concerned safe;
 - (d) and such holder or person shall be liable for any costs incurred by the Council in doing any act in terms of this subsection.

- 24.6 if, in the opinion of the Council any memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential, the Council may, without giving any notice to the holder or person referred to in subsection (1), and without incurring any liability to pay compensation for damages -
- (a) dismantle the memorial work concerned and remove it together with any rubble connected therewith; or
 - (b) render the memorial work concerned safe.
- 24.7 if the Council has acted in terms of subsection (6), it shall immediately, in writing, notify the holder or person referred to in subsection (1) of the work that it has done and if memorial work was dismantled in terms of subsection (6)(a), that unless such person reclaims and removes the memorial work from the cemetery within a reasonable period stipulated in the notice the Council will dispose thereof without thereby incurring any liability to pay compensation for damages.
- 24.8 Such holder or person shall be liable for any costs incurred by the Council in doing any act in terms of subsection (6).
- 24.9 If the holder or person referred to in subsection (1) fails to pay the cost referred to in subsection (8) or reclaim and remove memorial work dismantled by the Council in terms of subsection (6)(a), the Council may dispose of such memorial work in any manner it deems fit and if any proceeds are derived from such disposal they shall be offset against the cost of the dismantling, removing, storing and disposing of such memorial work and rubble connected therewith.

General requirements for memorial work

25. Any person who erects or re-erects memorial work shall ensure that -
- (a) Whenever any part of such memorial work is to be joined to any other part, it shall be so joined by the use of copper or galvanised iron clamps, pins or dowels at least 8 mm thickness and a length sufficient to fit holes which shall not be less than 50 mm deep;
 - (b) a foundation 100 mm deep, must cover the whole grave plot (2 600 x 1 620 mm) on which the memorial wall is erected and thereafter finished off all round with a 100 mm x 100 mm layer of cement;
 - (c) all kerbstones are squared and laid in accordance with the instructions of the officer in charge so as to ensure that when the ground surrounding such kerbstones has been levelled, such kerbstones do not exceed a height of 230 mm above ground level;
 - (d) if loose stone chips are placed on a grave, the level of such stone chip shall not be higher than 10 mm below the level of the surrounding kerbstone;
 - (e) sufficient space is left on a memorial work for the placing of flowers, and
 - (f) all memorial work shall be of granite or natural rock. The officer in charge on written application may approve the use of any other material by a relative.

Requirements of memorial work in memorial section

- 26.1 in a cemetery existing at the coming into operation of these by-laws, the maximum horizontal measurements of any memorial work erected on a grave in memorial section shall

be -

- (a) in the case of an adult's grave, 2 200 mm in length and 1 100 mm in width, with a kerb width of 150 mm;
- (b) in the case of a child's grave, 1 500 mm in length and 600 mm in width, with a kerb width of 150 mm.

Requirements for memorial work in landscape section

- 27. (a) Any memorial work to be erected in a landscape section shall consist of a base no longer than 380 mm X 910 mm X 458 mm for a single grave and no larger than 380 mm X 2120 mm X 450 mm for a double grave.
- (b) The size of a memorial tombstone may not exceed the following measurements: Height 1500 mm, width 910mm and a thickness not less than 104 mm for a single grave and height 1500 mm, the width 2120mm and a thickness not less than 104 mm for a double grave.
- (c) Books and scrolls are allowed on condition that base must at least be 380 mm X 910 mm X 458 mm for a single grave and 380 mm X 2120 mm X 458 mm for a double grave.

Requirements for memorial work in garden of remembrance

- 28. Any memorial work erected on a grave in a garden of remembrance, must have a foundation with the following measurements:
 - (a) 600 mm in length x 400 mm in width x 50-mm deep concrete, and the memorial work for such a grave must have the following measurements:
 - (b) 600 mm in length x 400 mm in width x 50 mm in thicknessThe memorial work shall be affixed with at least 5 copper or galvanised spikes, 50 mm in length. All memorial work shall be level to ground level.

Requirements for memorial work against memorial wall

- 29. (a) Any memorial work affixed to a memorial wall, shall have the following measurements: 270 mm x 125 mm x 25 mm, and shall be fixed to the wall by means of at least four copper or galvanised dowels (6mm x 50 mm).
- (b) The maximum size of niches allowed is 215 mm (length) x 76 mm (height) x 152mm (width).

Supervision of work

- 30. Any person engaged in memorial work in a cemetery or crematorium shall effect such work under the supervision and to the satisfaction of the officer in charge.

Internment and exhumation of ashes

- 31.1 No person shall inter any ashes in grave or exhume ashes from a grave without prior written permission of the officer in charge.

- 31.2 Application for internment or for exhumation of cremated remains shall be made to the officer in charge and be accompanied by the appropriate charge as determined by the Council from time to time.
- 31.3 The officer in charge shall prepare such grave for the internment or the exhumation of ashes.
- 31.4 The exclusive right to inter ashes in a grave referred to in subsection (1), may be acquired with the consent of the officer in charge, which consent shall only be given after application for the cremation of the body, the ashes of which are to be interred in such grave, has been made and upon payment of the appropriate charge as determined by the Council from time to time.

Use of niches and spaces, affixing of memorial work

32. No niche or space in a garden of remembrance or space on a memorial wall shall be used for the storage of ashes or for affixing memorial work without the prior consent of the officer in charge and without payment of the appropriate charges as determined by the Council from time to time.

Security forces grave area

33. Subject to the provisions of these by-laws, a space in a cemetery is set aside with the special consent of the Council for the internment of members of the security forces. Internment's and the erection of memorial walls to be done in conjunction with the security forces.

CHAPTER VIII

GENERAL

Prohibited acts

- 34.1 No person-
- (a) under 16 years of age shall enter any cemetery or crematorium except in the care of a person over the age of 16 years;
 - (b) shall enter or leave any cemetery except by the gateways provided.
- 34.2 No person shall, within any cemetery -
- (a) enter any office or any enclosed place where entry is prohibited by means of a notice displayed in a conspicuous position, except on business connected with such cemetery;
 - (b) solicit any business, or exhibit, distribute or leave any tract, business card or advertisement;
 - (c) sit, stand, climb upon, or deface or damage any memorial work or Council property;
 - (d) commit any offensive, indecent or objectionable act or any act, which constitutes as a nuisance or causes a disturbance;
 - (e) introduce any animal without the consent of the officer in charge;
 - (f) hold or take part in any demonstration or meeting;

- (g) remove, transplant, pick, cut, saw, chop or prune any plant, grass, shrub or tree or part thereof, or act in a similar manner, without the consent of the officer in charge;
- (h) drive or park any vehicle or bicycle without the prior consent of the officer in charge on any road where driving or parking is prohibited by means of a notice displayed in a conspicuous position, or drive or park any vehicle contrary to any direction of the officer in charge;
- (i) drive any vehicle or ride any cycle at a speed exceeding 20 km per hour;
- (j) obstruct, resist or oppose the officer in charge or any member of his staff in the exercising of his powers or the performance of his duties under these by-laws, or refuse to comply with any lawful order or request of the officer in charge or any member of his staff;
- (k) play or cause to be played any musical instrument or apparatus without the prior consent of the officer in charge;
- (l) play any sport or conduct himself in a manner not in keeping with the atmosphere of a cemetery or crematorium;
- (m) erect any partitioner or other object on a grave;
- (n) hinder members of any religious fellowship to conduct religious practised in connection with an interment of memorial service subject to the control and regulations of the Council;
- (o) conduct religious practises according to practise of such fellowship in such part of a cemetery set aside by the Council for members of another fellowship;
- (p) transport an uncovered body or cause it to be transported or uncover such a body or part thereof or cause it to be uncovered in any street, cemetery or public area;
- (q) occupy a cemetery or part thereof longer than 120 minutes for the purpose of an interment.

Liability of Council in respect of injury or damage

35. The Council shall not be liable for any injury to a person or damage to any property if such injury or damage has been sustained in a cemetery.

Free burial

36. (a) If a person has died in indigent circumstances, and if no relative or other person can be found to bear the burial or cremation costs of such deceased person, the Council may inter such body free of charge: Provided that application be done prior to interment.
- (b) The Council takes responsibility for pauper funerals as stipulated in Act 63 of 1977 published in Government Gazette of 26 May 1977.

Cemetery hours

37. Every cemetery and crematorium shall be open to the public during such hours as are indicated on a notice board at each gate of such cemetery: Provided that the officer in charge shall be entitled at any time to close off any cemetery or crematorium or part thereof to the public for such period and for such authorised and official purposes as he may deem fit.

Complaints

38. Any person, who wishes to submit a complaint in terms of these by-laws, must do so in writing to the officer in charge.

CHAPTER IX

Penalties

39. Any person contravening any provision of these by-laws or failing to comply herewith or failing to comply with the conditions of any notice served on him by the Council in terms of the by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or three months imprisonment and, in the case of a continuous offence, to a fine not exceeding R100 per day for every day such offence is continued. In addition to such fine any cost incurred by the Council as a result of any contravention of any of the provisions of these by-laws or in the carrying out of any work prescribed by these by-laws to be carried out by any person and not carried out shall be paid by such person guilty of such contravention or failing to carry out such work.

Repeal of by-laws

40. The Cemetery By-laws published under Local Authority Notice No. 2110, dated 22 June 1994 as amended, are hereby repealed.