

Cork County Council Draft Cemetery Bye-Laws

Report to Council October 2016.

Background:

At the Council meeting of 11th July Council agreed that the draft Bye-Laws be brought to each Municipal District before Council would decide on whether or not to make them.

The draft Bye-Laws were discussed at Municipal District Meetings in September and October. The only Municipal district that suggested a change was Cobh. This was in relation to Section 28 which deals with Celtic Crosses. The MD proposed that the restriction in relation to Celtic Crosses should be removed.

The Section reads:

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

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

The height of any structure proposed shall not exceed 1.2 metres above beam level.

An exception to this general rule is permitted where, in any given cemetery, there has been a practise of permitting the erection of a Celtic Cross. No cross shall exceed the height of any existing Celtic Cross in that cemetery but in any event the permitted maximum height of a Celtic Cross is 2.44m save for North Abbey Cemetery in Youghal where the maximum permitted height shall be 2.m.

For the purpose of clarification a Celtic Cross will not be allowed in any cemetery where, at the time of the making of this Bye-Law, they have not previously been permitted.

Response:

The Draft Bye-Laws did not include any new restriction in relation to Celtic Crosses. The Bye-Laws have been drafted in a manner that preserves the right to erect Celtic Crosses in cemeteries where that have previously been installed. I am aware that there have been numerous instances where Celtic Crosses have been erected and their base exceeds the beam allotted to that particular plot. This then causes a difficulty for adjoining plot holders when they want to erect their headstone.

For these reasons I would recommend to Council that the Bye Laws should be adopted without amendment to this particular Section.

Typographical correction:

Section 20 reads as follows:

VISITORS

20. Visitors to the Cemetery shall enter or leave the Cemetery only by means of the entrance. A visitor shall close and re-secure any gate he/she opens at a Cemetery.

Visitors shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein where provided.

Visitors shall not interfere with any of the tombs or monuments or headstones or with the Columbarium or with any flowers, shrubs or wreaths within the Cemetery.

Save as set out **in (v)** below no person shall allow or cause a dog to enter a Cemetery.

Guide dogs accompanying persons with visual impairment are permitted to enter a Cemetery.

No vehicles other than with the exception of funeral cars and vehicles or wheelchairs carrying disabled persons shall be allowed enter the Cemetery without the Caretaker's permission.

The "in (v)" is as highlighted above in bold is redundant and should be removed.

The legal options available to the Council are to either:

- (a) make the bye-law either in accordance with the draft or subject to such changes as the local authority may, at its discretion, determine, or
- (b) not make the bye-law.

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