

Cheshire Evangelical Lutheran Church
Bylaws Concerning the Columbarium and Memorial Garden

Section 1.1 Purpose

- A. The Columbarium and Memorial Garden is an ongoing ministry of the Church and is operated under the direction of the Voter's Assembly, the Church Council, and the Columbarium Committee.
- B. The Columbarium and Memorial Garden have been created in the same loving spirit in which churches provide cemeteries for traditional burials and columbaria for Cremains. Our Columbarium Wall provides Niches for the placement of the Cremains and plaques for the memorialization of our loved ones.

Section 1.2 Definitions

- A. Columbarium and Memorial Garden. The facility located on the Church property that contains the Columbarium Wall and the adjacent Memorial Garden, consisting of landscaping and plantings and including the detention basin.
- B. Columbarium Committee. A subcommittee of the House and Grounds Committee of the Church that is responsible for administering, operating, maintaining, and controlling the Columbarium and Memorial Garden.
- C. Columbarium Fund. The collection of all of the fees and donations collected by the Church for any purpose relating to the Columbarium and Memorial Garden.
- D. Columbarium or Columbarium Wall. The dedicated wall structure located in the Memorial Garden that contains Memorial Plaques and Niches for the Inurnment of Cremains.
- E. Cremains. The cremated remains of a deceased human.
- F. Church: The Cheshire Evangelical Lutheran Church.
- G. Council or Church Council. The Church Council of the Church.
- H. Decedent: The person whose Cremains are placed in an Urn for Inurnment in a Niche.
- I. Disinurnment. The removal of the Urn containing Cremains from a Niche.
- J. Fees. The fees for Inurnment, Disinurnment, installation of Memorial Plaques, and other fees relating to the Columbarium and Memorial Garden is set forth in a Schedule of Fees that the Columbarium Committee established with the approval of the Council. The Schedule of Fees will be reviewed annually by the Columbarium Committee, and any recommended revisions to the fees must be approved by the Council. The Schedule of Fees will be attached to all Inurnment Subscription Certificates and to all other agreements, etc. that state a fee relating to the Columbarium and Memorial Garden.

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- K.** Inscription. Inscribed information on the Niche Plaque or Memorial Plaque that includes only the name, maiden name (space permitting, with the adjective “nee”), the date of birth, and the date of the death of the Decedent whose inurned Cremains are placed in the Niche. Suffixes are permitted (i.e., I or II or III). Titles, awards, degrees, or other information shall not be included in the Inscription; however, the abbreviation “Rev.” for Reverend is permitted. A flag may be included in the Inscription to denote military service. A Memorial Plaque will be further identified with the letter “M”.
- L.** Inurnment Subscription Certificate, Subscription Certificate, or Certificate. The document issued by the Columbarium Committee or by the Church staff that contains the details of the Subscription.
- M.** Inurnment. The placement of the Urn containing the Cremains in its resting place in a Niche.
- N.** Memorial Plaque. A uniform plaque that is uniformly attached to the Columbarium Wall and contains the Inscription of the person being memorialized.
- O.** Niche Plaque. A uniform plaque that is uniformly attached to the outside of a Niche and contains the Inscription concerning the inurned Cremains.
- P.** Niche. One of multiple spaces in the Columbarium Wall having space for one Urn in which Cremains are placed. Each Niche will have a uniform Niche Plaque for the Inscription.
- Q.** Pastoral Staff. The currently-called pastoral staff of the Church.
- R.** Subscriber. The Subscriber is the record owner of the Niche rights as evidenced by the Inurnment Subscription Certificate issued to the Subscriber by the Columbarium Committee or by the Church staff.
- S.** Subscription. The rights acquired by a Subscriber to use a Niche in the Columbarium Wall as evidenced by the Inurnment Subscription Certificate issued to the Subscriber by the Columbarium Committee or by the Church staff.
- T.** Urn. A permanent container used to place Cremains in a Niche.

Section 1.3 Subscriptions

- A.** Subscription Rights
 - 1.** The Subscriber has the right to inurn the Cremains of the one (1) eligible person named on the Inurnment Subscription Certificate.
 - 2.** The Subscriber may, depending upon availability at time of purchase, select the Niche to inurn the Cremains. The Niche location shall be recorded on the Subscriber’s Inurnment Subscription Certificate and in the Church’s records.

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- 3.** The Subscriber's rights constitute only a license to use the Niche pursuant to these Bylaws.
 - 4.** The Columbarium Wall, its Niches, and the Memorial Garden are solely owned and controlled by the Church.
- B.** Subscription Fee. The amount of the Subscription Fee is set forth on the Schedule of Fees established by the Columbarium Committee and approved by the Council. The fee covers the cost of Inurnment and the costs of purchasing, inscribing, installing, and maintaining the Niche Plaque. The Subscription Fee does not include the cost of the Urn or any other funeral, Inurnment, or Disinurnment expense.
- C.** Inurnment Subscription Certificate.
- 1.** The Subscriber will be issued an Inurnment Subscription Certificate that contains the details of the Subscription.
 - 2.** The Certificate will be signed by the Subscriber and by a duly-authorized representative of the Church.
 - 3.** The Certificate shall contain the name of the Subscriber and the name of the person whose Remains shall be inurned.
 - 4.** Attached to the Certificate will be a copy of these Columbarium and Memorial Garden Bylaws.
- D.** Transfer or Re-Assignment of Subscription.
- 1.** All rights conferred by the Subscription are specific to the Subscriber and are not assignable or transferable by the unilateral act of the Subscriber. This includes any exchange for value, gift, testamentary transfer, or pledge as collateral for any loan.
 - 2.** A Subscriber may make written application to the Columbarium Committee to transfer or assign the Subscriber's rights on a form provided by the Columbarium Committee for that purpose. The Committee shall approve such request provided the proposed transferee is determined to be eligible in accordance with Section 1.4.A of these Bylaws. Upon such approval, the Subscriber shall surrender the Inurnment Subscription Certificate, and the Columbarium Committee shall issue a new Certificate which shall be effective upon its signing by the approved transferee and the duly-authorized representative of the Church. The new transferee shall be bound by these Bylaws.
 - 3.** Transfer Fees. Subscription transfers shall be subject to a fee fixed by the Columbarium Committee. The fee must be paid to the Columbarium Fund before the new Certificate is issued to the transferee.

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E. Voluntary Surrender of Subscription Rights.

1. Subscription rights are voluntarily surrendered in any of the following ways:
 - a. During his or her lifetime and before any Cremains have been inurned in the Niche, the Subscriber may voluntarily surrender his or her Subscription Rights. Notice of this surrender of rights must be made in writing and delivered to the Church.
 - b. During his or her lifetime and after the inurned Cremains have been removed from the Niche pursuant to Section XXX of these Bylaws, the Subscriber may voluntarily surrender his or her Subscription Rights. Notice of this surrender of rights must be made in writing and delivered to the Church.
 - c. After the Subscriber's death, if the inurned Cremains are removed from the Niche pursuant to Section XXX of these Bylaws, the Subscription Rights will be deemed to have been voluntarily surrendered.
 - d. After the Subscriber's death, if the person whose Cremains were to be inurned notifies the Church in writing that he or she does not intend to be inurned in the Niche, the Subscription Rights will be deemed to have been voluntarily surrendered. Notice of the intention not to be inurned must be made in writing and delivered to the Church.
 - e. After the Subscriber's death, if the person whose Cremains were to be inurned dies or has died and is interred or inurned elsewhere, the Subscription Rights will be deemed to have been voluntarily surrendered.
2. In the event of a voluntary surrender, the rights to the Niche revert to the Church, and no compensation is due to the Subscriber or the Decedent's estate.

F. Change of Subscriber's Address. The Subscriber shall notify the Church office of any change in mailing address. Notice sent to a Subscriber at the last address on file in the Church office will be considered sufficient and legal notification for all purposes.

Section 1.4 Inurnments

- A. Eligibility.** The Pastoral Staff will determine eligibility of Inurnment in accordance with the following: The deceased shall be Christian and shall be:
1. A member or former member of the Church.
 2. An ordained minister who has served as a pastor of the Church.
 3. An employee or former employee of the Church.

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4. A spouse and natural, adopted, foster or step parent, child, and grandchild of anyone eligible for Inurnment.
5. A rostered clergyperson or commissioned church worker of the Lutheran Church Missouri Synod.
6. An individual recommended for Inurnment by the Pastoral Staff and approved by the Chair of the Columbarium Committee.

B. Inurnment Application.

1. An Inurnment Application requesting the Inurnment shall be made in writing on the form provided by the Church and filed with the Columbarium Committee or Church staff.
2. The Application shall be submitted by the Subscriber or the authorized representative of the Decedent's estate and requires approval by the Columbarium Committee or its authorized representative prior to the Inurnment.
3. All instructions concerning Inurnments shall be included on the Inurnment Application. The Church and the Columbarium Committee cannot act pursuant to verbal instructions.
4. The Church and Columbarium Committee are not responsible for ascertaining the identity of the person whose Cremains are sought to be inurned. The Church acts in good faith that the Cremains are those of the Decedent listed in the Inurnment Application and the Subscription Certificate.
5. The Church will arrange for the opening and closing of the Niche in accordance with the Application.
6. If a governmental permit is required for the Inurnment, the Subscriber or the authorized representative of the Decedent's estate shall obtain, pay for, and deliver to the Church any such permit prior to the Inurnment.

C. Inurnment Service.

1. No Cremains may be inurned in a Columbarium Niche without a committal service.
2. The Pastoral Staff shall have complete authority over the committal service in accordance with the existing policies and procedures for funeral services of the Church.
3. The Subscriber or an authorized representative of the Decedent's estate should contact the Pastoral Staff to arrange for the Inurnment service.

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- D.** Laws. All Inurnments, Disinurnments, removals, and other actions taken concerning the Columbarium and Memorial Garden shall comply with these Bylaws and all federal, state, and local laws, rules, and regulations to the extent they are applicable to the Church.

Section 1.5 Memorial Plaques

A. Memorial Plaque Application.

- 1.** A Memorial Plaque Application requesting the installation of a Memorial Plaque shall be made in writing on the form provided by the Church and filed with the Columbarium Committee or Church staff.
- 2.** The Application shall be submitted by the person who desires to be memorialized or by the authorized representative of the estate of the Decedent who is to be memorialized.
- 3.** The application requires approval by the Columbarium Committee or its authorized representative who will ascertain, prior to installation of the Memorial Plaque, that the memorialized person is eligible pursuant to Section XXX of these Bylaws.
- 4.** All instructions concerning the Memorial Plaque shall be included on the application. The Church and the Columbarium Committee cannot act pursuant to verbal instructions.
- 5.** The Church will purchase, install, and maintain the Memorial Plaque in accordance with the Application.
- 6.** If a governmental permit is required for the installation of the Memorial Plaque, the applicant shall obtain, pay for, and deliver to the Church any such permit prior to the installation.
- 7.** If a memorial service is desired in connection with the installation of the Memorial Plaque, it will be conducted at the discretion of the Pastoral Staff and in accordance with the existing policies and procedures for funeral services of the Church.
- 8.** The fee for the Memorial Plaque is set forth on the Schedule of Fees established by the Columbarium Committee and approved by the Council. The fee covers the costs of purchasing, inscribing, installing, and maintaining the Memorial Plaque. This fee does not include the cost of any other funeral expense.

Section 1.6 Niches and Urns

A. Urns and Niche Sizes.

- 1.** The size of the Niche allows the Cremains of only one (1) person to be inurned in each Niche; the Subscriber will be informed of the Niche dimensions in advance of the Inurnment.

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2. In the event the Urn will not fit within the Niche, the Subscriber or the authorized representative of the Decedent's estate is responsible for obtaining a smaller Urn and for the proper transfer of Cremains to the replacement urn.
 3. When presented to the Church for Inurnment, the Urn must permanently display the name and date of death of the Decedent.
- B. Niche Plaque.** All Niches will have a uniform Niche Plaque uniformly attached to the outside of the Niche for the Inscription.
- C. Inscriptions.**
1. The Inscription, as defined in Section XXX of these Bylaws, shall be inscribed on the Niche Plaque or the Memorial Plaque.
 2. The Inscription shall be of a uniform size and style as determined by the Columbarium Committee.
 3. The cost of inscribing is included in the Subscription Fee or the cost of the Memorial Plaque.
 4. The Columbarium Committee will rely on the information contained in the Inurnment or Memorial Plaque Application when ordering the Inscription.
- D. Flowers, Ornaments, and Decorations.**
1. No flower or plant shall be placed on or in the Columbarium Wall or Memorial Garden, with the exception of floral displays placed during special services as approved by the Pastoral Staff.
 2. Alternate means of honoring the deceased include placing flowers in the sanctuary in consultation with the Pastoral Staff and donating plantings and/or landscaping for the Memorial Garden as authorized by, and in consultation with, the Columbarium Committee.
 3. Nothing may be placed in the Niche except the Urn that contains the Decedent's Cremains. The Columbarium Committee reserves the right to remove and dispose of any other items placed in the Niche. During official holidays, such as Memorial Day and Veterans Day, the Columbarium Committee may place American flags honoring the military service of the Decedents on or within the Columbarium and Memorial Garden.
- E. Columbarium Directory and Records.**
1. The Columbarium Committee shall maintain a Columbarium Directory that shows all of the Niches in the Columbarium and designates those that are subscribed and those that are not.

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2. The Committee shall also maintain copies of all Inurnment Subscription Certificates, applications, and documents related to the Columbarium and Memorial Garden.
3. The Directory and records shall be filed in the Church office.

Section 1.7 Columbarium Fund

- A. The Columbarium Fund consists of all the monies received by the Church for Subscriptions, Memorial Plaques, and for the maintenance and support of the Columbarium and Memorial Garden.
- B. The Columbarium Fund will be managed in a manner consistent with other restricted offerings of the Church. The Church is not required to keep these monies separate from the other monies of the Church, but they shall have a separate accounting by the Treasurer of the Church.
- C. All expenses related to the Columbarium and Memorial Garden shall be paid for from the Columbarium Fund, including, but not limited to, the following:
 1. Initial and subsequent construction costs and associated expenses, including any future additions;
 2. Inurnments and Disinurnments in accordance with Subscriptions and the relevant applications;
 3. Purchase of Niche Plaques and their installation, inscription, and maintenance;
 4. Purchase of Memorial Plaques and their installation, inscription, and maintenance;
 5. Perpetual care for upkeep, including renovation, repair, maintenance, landscaping, seasonal plantings, and modifications;
 6. Insurance, as required; and
 7. Payment of other expenses as recommended by the Columbarium Committee and approved by the Church Council.

Section 1.8 Control, Supervision, and Maintenance of the Columbarium and Memorial Garden

- A. The Columbarium and Memorial Garden and any work related to it (including, but not limited to, opening and closing Niches, installing Niche Plaques and Memorial Plaques, Inurnments or Disinurnments, plantings, landscaping, maintenance, and repair) are under the sole control and supervision of the Church.
- B. The Columbarium and Memorial Garden shall be maintained to preserve their beauty and integrity.

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Section 1.9 Removal of Cremains

- A. Cremains are the property of the estate of the Decedent. If the authorized representative of the Decedent's estate desires to remove the inurned Cremains, he or she will be permitted to do this at his or her cost and expense and upon prior application to, and approval by, the Columbarium Committee.
- B. Once the inurned Cremains are removed, the rights to the Niche revert to the Church, and no compensation is due to the Decedent's estate.
- C. In the event that the Columbarium requires repairs in order to maintain its integrity, the Subscriber or the authorized representative of the Decedent's estate agree to permit the temporary removal of any inurned Cremains until those repairs are completed. There will be no charge for this temporary removal.

Section 1.10 Abandonment of Niche

- A. A Niche shall be deemed abandoned only upon the following conditions:
 - 1. The Niche has not been used within 25 years of the issuance of the Inurnment Subscription Certificate;
 - 2. The Subscriber is no longer a member of the Church;
 - 3. Notice of the pending abandonment is given to the Subscriber personally or by a certified letter mailed to his or her last known address; and
 - 4. The Church does not receive an objection to the abandonment from the Subscriber within ninety (90) days from the date of the certified letter.
- B. If the conditions in Section XXX are satisfied, ownership of the Niche shall revert to the Church with no refund due the Subscriber, and the Niche can be made available for Subscription.

Section 1.11 Moving the Columbarium

- A. In the event the church edifice is moved to another location or if it is necessary to move the Columbarium to another location on the church property, the Church will provide facilities for re-depositing the inurned Cremains committed to its care.
- B. Notice of any moves of the Columbarium Wall or of the Urns within the Columbarium Wall will be given to the Subscriber and to the authorized representative of the Decedent's estate personally or by a certified letter sent to his or her last known address. Notice will also be published in the Church newsletter and/or local newspaper at least one month prior to such action.

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Section 1.12 Discontinuing the Columbarium

- A.** The Subscription rights will continue as long as the present church edifice stands and is owned by the Church.

- B.** In the event that the present church edifice is demolished or the ownership of the church property is transferred by the Church or the Columbarium Wall is discontinued:
 - 1.** The Church, or its successors, shall exercise reasonable effort to locate and notify the authorized representative of the Decedent's estate and afford him or her the opportunity to remove the inurned Cremains.

 - 2.** If the authorized representative of the Decedent's estate does not provide instructions to the Church for removal of the inurned Cremains, the Church shall make arrangements for the inurned Cremains to be moved to a suitable cemetery.

 - 3.** No refund of the Subscription fee will be made.