

Rules and Regulations for Operation of the Columbarium Of Faith Lutheran Church Little Falls, Minnesota

DEFINITIONS

- A-1. **Church** – The term “Church” as used herein, shall refer to Faith Lutheran Church, Little Falls, Minnesota.
- A-2. **Church Council** – the Church Council of Faith Lutheran Church, Little Falls, Minnesota.
- A-3. **Pastor** – the Senior Pastor of the Church or the ordained clergy who is the acting pastor.
- A-4. **Pastoral Staff** – the ordained clergy of the Church.
- A-5. **Church Staff** – the administrative and clerical staff members employed by the Church.
- A-6. **Chairperson** – the individual who is appointed to head the Columbarium Committee.
- A-7. **Columbarium Committee** – The Columbarium Committee of the Church, composed of one representative from the Church Council, and members in good standing of Faith Lutheran Church. The Columbarium Committee shall report to the church Council and its policies, rules, regulations and activities are subject to the approval of the Church Council.
- A-8. **Columbarium** – that dedicated facility at the Church containing niches for the interment of cremated human remains.
- A-9. **Subscriber** – One who has acquired the permission to use a niche. The Subscriber is the record owner of the niche rights as evidenced by a Certificate of Interment Rights issued to the Subscriber by the Columbarium Committee.
- A-10. **Decedent** – The person whose cremated remains are placed in an urn for interment in a niche.
- A-11. **Niche** – One of several spaces in a permanent, specially-constructed framework, each niche having: (i) space for one or two urns in which cremated human remains are placed; and (ii) a uniform plaque upon which the identifying inscription is engraved.
- A-12. **Certificate** – The document issued by the Church granting the right to inter cremated human remains of one or two persons in a niche. Upon receipt of full payment of the scheduled fee, the Committee shall deliver to the Subscriber the Certificate, together with a copy of these Rules and Regulations, for use of the Columbarium. The Certificate shall be issued only in the name of the Subscriber and shall not be issued until the Subscriber has agreed to and signed the *Agreement Regarding Interment Rights in the Columbarium*.

- A-13. **Interment** – The placement of cremated remains in their final resting place in a niche.
- A-14. **Plaque** – Uniform metal face plates approved by the Columbarium Committee to be attached to the outside face of the niche.
- A-15. **Urn** – Permanent, containers approved by the Columbarium Committee. Urn size not to exceed size of niche.
- A-16. **Inscription** – Engraved information on the face of each plaque that includes only the name of the person whose remains are placed in the urn, date of birth and date of death. Titles, awards, degrees or other information are not to be included in the inscription.

PURPOSE AND SUPERVISION

- B-1. **Purpose** – The Columbarium of the Church is for interment of the ashes of the cremated human dead.
- B-2. **General Planning:** The Columbarium is part of Faith Lutheran Church, Little Falls, Minnesota, which operates under the direction of its Pastor and Charge Conference. They, in turn, have delegated certain powers to the Columbarium Committee with respect to the operation of the columbarium. The Columbarium Committee is authorized to provide a set of rules and regulations for the operation of the Columbarium and to recommend any changes that may be required from time to time in such rules and regulations. The original rules and subsequent changes recommended by the Columbarium Committee shall become effective when ratified by the Church Council and/or Trustees.

INTERMENTS

- C-1. **Subject to Laws:** In addition to these rules and regulations, all interments, disinterments, and removals shall comply with all federal, state, and local laws, rules and regulations to the extent they are applicable to the Church. Nothing herein shall be construed as a waiver of any exemption the Church is provided pursuant to such laws, rules and regulations.
- C-2. **Eligibility:** Interment in the Columbarium will be available to any member or former member of the Church, ordained LCMC Pastors, employees and former employees of the Church, and spouses, parents, children and grandchildren (natural, adopted, foster or step) of the above-stated persons.
- C-3. **Fees:** A fee may be collected by the Church for each primary use of the Columbarium as set forth in the Fee Schedule. Such fees are stated in the Schedule of Fees, attached hereto and incorporated herein by reference.

- C-4. **Exclusive Right to Use:** A Subscriber of a niche shall pay the cost of the niche and shall be entitled to name one or two persons whose ashes are to be interred in that niche, provided that the named person or persons qualify as eligible, as that term is defined in the *Rules and Regulations*.
- C-5. **Arrangements for Interment:** The Pastoral Staff shall have complete authority for all religious services of committal. Sufficient and proper notices of intended interments shall be given to the Pastoral Staff, and only such religious services as the Pastoral Staff may conduct, or give their permission for, may be performed. The interment shall be in the manner directed by the Pastoral Staff.
- C-6. **Responsibility for Identity:** The Church and the Columbarium Committee shall not be liable for ensuring for the identity of the person whose cremated remains are sought to be interred.
- C-7. **Payment Requirement for Interment and Engraved Inscription:** No interment shall be permitted in any niche or engraved inscription made upon the plaque or face of any niche without payment of full purchase price, except by written consent of the Church Council and/or Trustees. In the event such consent is given, any and all interments in any niche and plaques placed upon the niche shall be considered temporary, and no rights shall be acquired by the subscriber until payment of the full purchase price is made.
- C-8. **Limitations of Each Niche:** Size of niches allows cremated remains of only one or two persons to be interred in each niche.
- C-9. **Interment Permits:** Any permits for interment required by applicable federal, state or local laws must be secured and furnished by the Subscriber, the family of the decedent or the funeral director. In no event shall the Faith Lutheran Church be responsible for acquiring any such permits.
- C-10. **Urns, Memorial Plaques:** Interments in the niches may be made only in the urns approved by the Columbarium Committee or supplied by the Church. The faces of the niches will be engraved with the name or names and date or dates of birth of the person or persons whose remains are to be placed within the niche. Alternatively, at the election of the Columbarium Committee, all niches will have a uniform metal plaque attached to the outside face of the niche, which plaque will be engraved with the name of the person(s) whose remains are to be placed in the niche and date(s) of birth. Date of death will be engraved on the face of the niche or on the plaque at time of interment. Cost of the urn, plaque and engraving are not included in the purchase price of the niche.
- C-11. **Opening and Closing of Niches:** Faith Lutheran Church will arrange for the opening and closing of niches at the time of interment. Cost is included in the purchase price of the niche.

DISINTERMENTS AND REMOVALS

- D-1. **Removal for Profit Prohibited:** Removal of cremated remains so that the niche interment rights may be sold for profit, or removal contrary to the express wish of the original subscriber, is repugnant to the ordinary sense of decency and is absolutely forbidden.
- D-2. **Removed from Niche Location:** Cremated remains and the niche plaque may be removed from the original niche in the Columbarium upon written consent of the Columbarium Committee. If the move is requested by Subscriber, then Subscriber will be charged the current cost of removal. If the move is at the convenience of the Church, there will be no charge.
- D-3. **Movement of the Columbarium:** In the event the Church is moved to another location, it shall be the responsibility of the Church Council and/or Trustees to provide facilities comparable to those then existing for the re-depositing of the remains committed to its care, and the Church Council and/or Trustees shall exercise reasonable effort to locate and notify surviving heirs as to the new location.

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 facilities are discontinued,

- (a) the right to inter shall terminate;
- (b) the Church Council and/or Trustees, or its successors, shall exercise reasonable effort to locate and notify surviving heirs, and afford them the opportunity to remove the remains; and
- (c) the Church Council and/or Trustees or its successors, shall not otherwise dispose of the urns within three (3) years after the Columbarium facilities are discontinued for any reason.

TRANSFERS OR RE-ASSIGNMENTS

- E-1. **Unilateral Transfer by Subscriber Prohibited:** All rights conferred by a *Certificate of Interment Rights* shall be specific to the Subscriber and shall not be assignable or transferable by unilateral act of the Subscriber. This includes any exchange for value, intervivos gift, testamentary transfer, or pledge as collateral for any loan.
- E-2. **Consent of Columbarium Committee:** A Subscriber may make written application to the Columbarium Committee to transfer or assign the Subscriber's rights under a *Certificate of Interment Rights* or *Agreement Regarding Interment Rights* to an eligible transferee. The application shall state the grounds of eligibility, as defined in these *Rules and Regulations*, of the proposed transferee. The Committee shall approve such request provided it finds the proposed transferee eligible. Upon such approval, the Subscriber shall surrender the *Certificate of Interment Rights* and the Committee shall issue a new *Certificate of Interment Rights* to the approved transferee upon the approved transferee's execution of an *Agreement Regarding Interment Rights*. The new transferee shall be bound by these *Rules and Regulations*.

- E-3. **Transfer Charges:** All transfers of ownership in interment rights to niches shall be subject to approval by the Columbarium Committee. Approval on the books of the Columbarium.
- E-4. **Limitations:** If any niche is not used within fifty (50) years of the purchase of interment rights and the family is no longer known, the Columbarium Committee will be free to reassign such niche.

FLOWERS, ORNAMENTS, DECORATIONS

- F-1. **Floral Regulations:** No flowers or plants shall be placed on the Columbarium at any time, with the exception of temporary decorations during special services and subject to the consent of the Pastoral Staff. The Columbarium Committee suggests flowers for the sanctuary altar as an appropriate means of honoring the deceased.
- F-2. **Other Ornaments, Decorations:** No boxes, cans, shells, toys, wreaths, metal, signs, cards, furniture, vases, photographs, artificial flowers, flags or any other such article, emblem or ornament shall be permitted in the Columbarium area, and if so placed, the Columbarium Committee reserves the right to have any such articles removed and disposed of without notice.
- F-3. **Paver Stones:** Paver Stones may be purchased and placed at Columbarium when approved by Committee.

INSCRIPTIONS

- G-1. **Uniformity of Engraving:** The engraving on each niche face or plaque shall be of a uniform size and style as determined by the Columbarium Committee.
- G-2. **Conformity of Text:** The inscription shall consist only of the name of the deceased, date of birth and date of death.
- G-3. **Correctness of Inscription:** An Application for Interment of Cremated Remains will be provided by the Columbarium Committee to be completed and signed by the person(s) entitled to do so. This form will include information to be relied upon in engraving the face of the niche or the metal plaque. Arrangements for the engraving, in accordance with the names and dates so furnished, will be made by the Church.

CONDUCT OF PERSONS WITHIN THE COLUMBARIUM

- H-1. **Church Decorum:** The Columbarium is part of the Church, and all persons entering the area of the Columbarium are expected to conduct themselves in accordance with customary respectful decorum as normally observed in a Church.
- H-2. **Enforcement of Rules:** The Columbarium Committee and the Church Staff are hereby empowered to enforce all rules and regulations and to exclude from the Columbarium any person violating the same.

CHANGE OF SUBSCRIBER ADDRESS

- I-1. **Subscriber Must Notify the Church Office:** It shall be the duty of the subscriber to 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 shall be considered sufficient and proper legal notification for all purposes whether or not such purpose be specified in these rules.

MODIFICATIONS AND AMENDMENTS

- J-1. **Exceptions and Modifications:** Special situations may arise in which the enforcement of a rule may impose unnecessary hardship. Therefore, upon recommendation of the Pastor, the Columbarium Committee may make exceptions, suspensions or temporary modifications in any of these rules and regulations when the same appear advisable, and such temporary exception, suspension or modification shall in no way be construed as waiver of the general application of such rule.
- J-2. **Amendments:** The Columbarium Committee may at any time adopt new rules and regulations, or amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these rules and regulations, provided, however, that any such change, addition or repeal shall not become effective until ratified by the Church Council and/or Trustees.
- J-3. **Severability:** If any provision hereof be held by duly constituted authorities to be invalid in whole or in part, these rules and regulations shall, nevertheless, except only to the extent of such partial invalidity, remain and be valid and effective.

ADOPTED by vote of the Church Council of Faith Lutheran Church, Little Falls, Minnesota
at a regular meeting held on _____.

Church Council of
Faith Lutheran Church

By: _____
Chairman

By: _____
Secretary

Approved:

Pastor

I have read and agree to the terms of this document.

Print Name: _____

Signature: _____

Date: _____

FAITH LUTHERAN CHURCH COLUMBARIUM

SCHEDULE OF FEES* Effective 9-1-2016

1. Right to exclusive use of niche in Columbarium for ashes of two persons	\$ 1,200.00
2. Cost of Plaque	\$ 200.00
3. Pavers	\$ 100.00
4. Benches (approximate)	\$1,000.00
5. Trees/Shrubs	\$

All Items must be approved by Columbarium Committee.

*NOTE: Fees refunded if Columbarium is not constructed. Fees subject to change without notice.