

SALEM EVANGELICAL LUTHERAN CHURCH LONGVILLE, MINNESOTA

Memorial Prayer Garden BY-LAWS

Approved: August 14, 2014

Revised/Approved: October 16, 2015

These By-Laws, rules and regulations are intended to protect the interests of both those who wish to use the Memorial Prayer Garden (Memorial Garden) and also Salem Evangelical Lutheran Church (Salem Lutheran Church), its employees, agents and members. Adherence to the rules will be maintained for the general good and for the preservation of beauty and integrity in the Memorial Garden. Exercising reasonable care for all concerned parties, these rules may be changed by agreement of the Memorial Prayer Garden Board (Memorial Garden Board) with approval from the Servant Leadership Council (SLC).

The Memorial Prayer Garden

Within the Memorial Garden is the Columbarium, the Memorial Boulder, and a congregational area.

The Memorial Garden offers an outdoor setting for Christian Fellowship and a quiet sanctuary for rest, reflection and the remembrance of loved ones.

The Columbarium provides space (niches) to house human cremated remains (cremains) of church members and their immediate families. Immediate families include spouse, parents, grandparents, siblings and children. The committal of other persons' cremains will be subject to approval by the Memorial Garden Board and the Pastor of Salem Lutheran Church. The Columbarium is owned by Salem Lutheran Church and renews the tradition of Christian burial within the church community providing a sacred reverent final resting place.

The Memorial Boulder provides a place to memorialize loved ones.

The congregational area provides a peaceful place where someone can come and rest, reflect and remember their loved ones.

Authority to Operate

- **Salem Evangelical Lutheran Church:** Permission was received from the Servant Leadership Council for use of the land as a Memorial Prayer Garden and Columbarium on December 11, 2014.
- **City of Longville:** The City of Longville requires an approved Land Use Permit be obtained. This Land Use Permit was granted by the City of Longville City Council on July 16, 2014 and a copy is on file at the church.
- **Minnesota State Statute Requirements:**
M. S. 307.01 PLAT AND RECORD.

“Any private person and any religious corporation may establish a cemetery on the person's or corporation's own land”

M. S. 306.02 CEMETERY CORPORATIONS OR ASSOCIATIONS.

Subdivision 1. Purpose and method of formation.

A corporation or association may: (1) be formed to procure and hold or sell lands or lots exclusively for the purpose of a public cemetery; (2) acquire and manage all real and personal property necessary or proper to establish, embellish, care for, and manage a cemetery, and may construct and operate on that property a crematory and other proper means of disposing of the dead; and (3) sell and convey cemetery lots or sell and convey real or personal property acquired by it but not needed for cemetery purposes. The corporation or association may be formed by three or more persons, who shall execute and verify the certificate or articles of incorporation as required in the matter of the formation of other corporations. The certificate of incorporation shall be recorded in the office of the county recorder of the county where the cemetery is located and upon filing, the association is a corporation.

306.03 ACTUARY; RECORDS; REPORTS.

Every such corporation, including any person, firm, partnership, association, or corporation owning or operating a mausoleum or Columbarium, shall, in addition to its ordinary corporate officers, annually appoint an actuary or provide by its bylaws that its secretary shall perform the duties of an actuary. The actuary shall keep a register of burials, entering (1) the date of burial, entombment, or cremation and (2) the name, age, sex, nativity, and cause of death of every person interred or cremated in the cemetery. These facts must be registered so far as they can be ascertained from the friends, attending physician, or undertaker in charge, and in case of a pauper, stranger, or criminal, from the public official directing the burial. The record shall be open to public inspection, and the actuary shall give the state commissioner of health and to local agents of a board of health as authorized under section 145A.04, upon their request, an accurate summary of the record during any specified year.

Definitions:

- **“Grantee”** is anyone who purchases the right of burial in a niche in the Columbarium. A Grantee must be 18 years old or older.
- **“Niche”** means a space in the Columbarium which can hold one or two urns of remains of humans.
- **“Niche Opening Fee”** is the fee charged for opening a niche after the initial urn or urns have been placed in the niche.
- **“M. S.”** stands for Minnesota State Statute.
- **“Member”** means a person who is a voting member of Salem Evangelical Lutheran Church in Longville.
- **“Perpetual Care”** is defined as the general upkeep of the Memorial Garden to include mowing and trimming of the grounds.
- **“Sexton”** is the individual, appointed by the church's Servant Leadership Council, to be responsible for the care and upkeep of the Salem Lutheran Church of Longville Memorial Garden. The Sexton will be responsible for keeping records in connection with the Memorial

Garden. The term “Sexton” shall include any person authorized by the Sexton to carry out their duties in his or her absence.

- **“Immediate Family”** means spouse, parents, grandparents, siblings and children.
- **“Servant Leadership Council” (SLC)** means the governing church body or church council.

The Memorial Garden Board

The Memorial Garden Board will oversee policy, promotions, sales, additions, use, and maintenance of the Memorial Garden and will report to the Resource Development Team of Salem Lutheran Church.

The Memorial Garden Board will consist of three members who will initially be appointed by the SLC for staggered one, two, and three year terms to assure continuity of service. Following this initial appointment, new board members will each serve revolving three-year terms. Nominees for open board positions will be suggested by the current Memorial Garden Board to the Human Resources Team and elected through regular church policy. Terms of service will be limited to two.

One of the Memorial Garden Board members will be appointed by the SLC to be the Sexton. The duties of the Sexton are defined in the definitions.

The Memorial Garden Board will select a secretary from the remaining members. To meet the requirements of the Minnesota State Statute 306.03 above, it is provided in these By-Laws that the secretary is appointed to do the duties of an actuary.

Use of the Columbarium

The Columbarium is dedicated to the committal of cremains of Salem Lutheran Church members and their immediate families. Immediate families include spouse, parents, grandparents, siblings and children. The committal of other persons' cremains will be subject to approval by the Memorial Garden Board and Pastor of the Salem Lutheran Church.

Guidelines for conduct in the Memorial Garden

- No person shall discharge firearms. This prohibition shall not apply to authorized volleys at internment services conducted by recognized military organizations or associations of the United States of America.
- No person shall injure or deface any structure, stone, or other property.
- No horseback riding, automobiles, ATVs, motorcycles, etc. is allowed within or through the Memorial Garden, except in conjunction with interment services.
- Visitors entering the Memorial Garden do so at their own risk and waive any claims to redress from Salem Lutheran Church for accidents while on the grounds.
- The Salem Lutheran Church Memorial Garden shall be controlled and governed by the SLC.

Purchase and Conveyance of Niches

Salem Lutheran Church sells only the exclusive right of burial in a specific niche. The legal title to all the land in the Memorial Garden is held by Salem Lutheran Church, and all niche sites in the Columbarium will be subject to the rules, regulations and fees in effect at the time of purchase.

Fees for any committal will be subject to the current fee schedule. Fees are set and updated by the

Board with approval of the SLC.

Application for Niches

Salem Lutheran Church requires that an application be filled out prior to the purchase of a niche. After the application is received and full payment made for the niche, the eligible person will receive a certificate granting the right to the niche. Niches will be chosen on a first-come, first-served basis. Only the designated number of cremains may be placed in each niche. That means one person's cremains in a single niche and two persons' cremains in a double niche.

Transfer of Niches

A niche may not be sold or otherwise transferred; it can only be surrendered back to Salem Lutheran Church. When a niche is surrendered, the original niche payment will be refunded minus an administration fee as identified in the current fee schedule. Any fee paid for engraving of the face plate will not be refunded. Furthermore, all transfers shall be recorded in the Columbarium records by the Sexton.

In the case of a legal removal of an urn or urns from a niche, which leaves the niche empty, the niche must be surrendered back to Salem Lutheran Church. In this case, no refund will be paid. Furthermore, all transfers shall be recorded in the Columbarium records by the Sexton.

Open and Close Niche

If a grantee or family member requests to open and close a niche, they must obtain permission through the Sexton. Since Salem Lutheran Church is responsible for all of the cremains of the deceased, it is not permitted that any ashes be removed from an urn.

Agreement to Policy, Rules and Regulations

By receipt of a Certificate of Purchase, the Columbarium applicant and individual user of the niche agree to all rules of the Memorial Garden Board. The rules apply to heirs, successors, administrators, executors and assigns and are enforceable by Salem Lutheran Church and its successors. This agreement is subject to all applicable local and state laws and regulations. Removal of cremains from the Columbarium requires approval of the Memorial Garden Board.

Identification of Cremains

Salem Lutheran Church, its employees and agents, will not be responsible for the identification of the cremains of any person. Permanent marking of the name of the deceased and date of death will be required on all cremains delivered to the church for committal to a niche.

Permit for receiving cremains

When cremains have been released by the cremator, a copy of the Certificate of Release or Burial Transit Permit must be filed at Salem Lutheran Church prior to placement of the cremains in the niche of the Columbarium.

Inurnment

Cremains must be placed in a container suitable to Salem Lutheran Church and marked with the name of the deceased and date of death. If desired, small items of sentimental value may be placed in the niche before it is permanently sealed. All cremains will be placed in the Columbarium. No scattering of ashes or in-ground burial is permitted in the Memorial Garden. The maximum number of urn

placements shall be two (2) per niche.

Face plate Inscription

The name of the deceased along with the year of birth and death will be inscribed on the niche face plate by the approved engraving company. No symbols or pictures will be allowed to be inscribed on the face plates.

Memorial Boulder

A Memorial Boulder will also be placed in the Memorial Garden. The purpose of the Memorial Boulder is to display names, birth and death dates for anyone whose relatives or friends want their name to be remembered on the Boulder. It is a peaceful place where someone can come and rest, reflect and remember the person whose name is engraved on the Memorial Boulder. It has nothing to do with where that person may be buried. Eligible for inclusion on the Memorial Boulder are Salem Lutheran Church members and immediate family, former members and non-members. The appropriate engraving fee is determined by the classification (member or immediate family, former member or non-member) of the person requesting the engraving.

Memorial Boulder Engravings

Salem Lutheran Church requires an application and full payment of the engraving fee for the Memorial Boulder prior to engraving. The engraving will be inscribed by the approved engraving company and will be placed in sequence on the boulder.

Retention of Records

- The retention of the records of the Memorial Garden shall be the responsibility of the Sexton. Copies of all certificates given to grantees shall be kept on file at Salem Lutheran Church office, as well as recorded in a book provided for this purpose.
- The Columbarium Record shall have a record of every interment in the Columbarium, showing the name of the deceased, age, birth place, gender, birth date, death date, date of interment and an indication of the location of the niche.
- The Grantee section shall have the date of purchase, name and address of individual or individuals, niche location, amount paid and the date the certificate was given.
- A copy of such record shall be furnished to any person making a written request and payment of a fee as established by the SLC.
- Records of all internments shall be kept on file at the Salem Lutheran Church office, as well as the Sexton having this information.
- A burial permit shall be filed with the Sexton at the time of interment. The permit shall be kept on file at the church office. (M. S. 306.03)

Funeral, Memorial, and Committal Services

Services in Salem Lutheran Church can be arranged at a time mutually convenient to the concerned parties. A Christian service of committal will be available as a guideline for interment in the Columbarium.

Protection from Loss or Damage

Salem Lutheran Church, its employees, agents and members will undertake reasonable precautions to protect the Memorial Garden from loss or damage, but do not assume responsibility for causes beyond

its control including, but not limited to, Acts of God, vandalism, accidents or theft. Loss or damage caused by and within the reasonable control of Salem Lutheran Church will be limited to no more than the amount of money paid for any contracted items, e.g., a face plate.

Modifications or Decorations

Modifications to the Memorial Garden will be considered first by the Memorial Garden Board and subject to Resource Development Team approval. Modifications include the opening and sealing of niches. Flowers or other memorial items unique to a niche or boulder engraving are permitted in these areas at the time of Inurnment or engraving dedication and must be removed following such occasions by family members within one week.

Flowers unique to a niche or engraving are permitted in these areas on the following holidays: Memorial Day, Veterans Day and Christmas Day. These must be removed following such occasions by family members within one week.

At no time are any flowers or other memorials to be hung on the Columbarium itself.

Administration of Funds

All gifts received for the Memorial Garden will be placed in a separate fund in Salem Lutheran Church financial records for the purpose of construction, operation, beautification, and other expenses involved in the use and upkeep of the Memorial Garden.

Ten per cent or \$2,000, whichever is greater, of the monies collected for niches must be held in the separate fund in order to have money available for someone who wants to relinquish their niche and receive a refund, minus any applicable administrative fee that is required.

Monies received for Columbarium face plate and Memorial Boulder engravings will also be placed in this separate fund to be used for the provision of the finished engraved face plate for the Columbarium and the engraving on the Memorial Boulder.

The fund will be administered by the Salem Lutheran Church Treasurer and the Memorial Garden Board.

Perpetual Care

Perpetual care of the Memorial Garden will be the responsibility of the Memorial Garden Board and Salem Lutheran Church.

The Recording of Memorial or Special Gifting

Memorial or special gifting will be commemorated in the Memorial Garden Gift Book to be maintained by the Memorial Garden Board.

Transfer of the Columbarium

Salem Lutheran Church reserves the right to move the Columbarium to a different and suitable location, should it become necessary to do so. Notification of such action will be published in the church newsletter and local newspapers prior to such transfer. Notices shall be sent by first-class mail to one address provided for each niche. It is the responsibility of those purchasing a niche to provide such address.

Changes to the By-Laws

These By-Laws may be changed or amended by a majority vote of the Memorial Garden Board and approved by the Servant Leadership Council.

Sexton-Memorial Prayer Garden Board

Date:

President-Servant Leadership Council

Date: