

**Columbarium of
St. Martin's Evangelical Lutheran Church**

Austin, Texas

RULES AND REGULATIONS FOR OPERATION OF THE COLUMBARIUM

DEFINITIONS

- A-1 Church:** The terms "Church" and "St. Martin's Lutheran Church" as used herein shall refer to St. Martin's Evangelical Lutheran Church, Austin, Texas.
- A-2 Congregation Council:** The Congregation Council of St. Martin's Lutheran Church, Austin, Texas.
- A-3 Senior Pastor:** The ordained clergy under call or contract to the Church to serve as the Senior Pastor, or should the Senior Pastor title fall into disuse, the ordained clergy functioning in a comparable role.
- A-4 Pastoral Staff:** Any ordained clergy under call or contract to the Church.
- A-5 Church Staff:** The administrative and clerical staff members employed by the Church.
- A-6 Niche:** One of multiple spaces in a permanent, specially-constructed framework, each Niche having: (i) space for one (1) or two (2) Urns in which cremated human remains are placed; and (ii) a uniform Niche Front upon which is an identifying Inscription.
- A-7 Decedent:** The person whose cremated remains are placed in an Urn for inurnment in a Niche.
- A-8 Urn:** Permanent, standardized container approved by the Columbarium Committee used to place the cremated remains of the Decedent in a Niche.
- A-9 Niche Front:** The uniform front attached to the outside face of the Niche.
- A-10 Inscription:** Inscribed information on the face of each Niche Front that includes only the name(s) of the Decedent(s) whose remains are placed in the Urn, date(s) of birth, and date(s) of death. Titles, awards, degrees, or other information are not to be included in the Inscription.
- A-11 Columbarium:** That dedicated facility of St. Martin's Lutheran Church containing Niches for the inurnment of cremated human remains.
- A-12 Columbarium Committee:** The Columbarium Committee of the Church as defined by the Manual of Operations.
- A-13 Chairperson:** The individual who chairs the Columbarium Committee.

- A-14 Subscriber:** One who has acquired the rights to use a Niche. The Subscriber is the record owner of the niche rights as evidenced by a Certificate of Inurnment Rights issued to the Subscriber by the Columbarium Committee.
- A-15 Certificate:** A Certificate of Inurnment Rights issued by the Church granting the right to place cremated human remains of one (1) or two (2) persons in a Niche. Upon receipt of full payment of the scheduled fee, the Columbarium Committee shall deliver to the Subscriber the Certificate, together with a copy of these Rules and Regulations for Operation 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 Inurnment Rights in the Columbarium.
- A-16 Inurnment:** The placement of cremated remains in their final resting place in a Niche.

PURPOSE AND SUPERVISION

- B-1 Purpose:** The Columbarium of St. Martin's Lutheran Church (hereafter, the "Columbarium") has been created for inurnment of the ashes of the cremated human dead.
- B-2 General Planning:** The Columbarium is part of St. Martin's Lutheran Church, Austin, Texas, which operates under the direction of its Pastoral Staff and Congregation Council. 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 be come effective when ratified by the Congregation Council.

INURNMENTS

- C-1 Subject to Laws:** In addition to the rules and regulations, all inurnments, disinurnments, 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 of the Church as provided pursuant to such laws, rules, and regulations.
- C-2 Eligibility:** Inurnment in the Columbarium will be available to:
- Members or former members of the Church
 - Ordained ministers who have ever served as Pastoral Staff of the Church
 - Employees and former employees of the Church, including St. Martin's Lutheran Church School
 - Spouses, parents, children, and grandchildren (natural, adopted, foster or step) of the above-stated persons
 - Rostered clergy of the Evangelical Lutheran Church in America and the spouse of such person
- C-3 Fees:** A fee shall be collected by the Church for each Subscription. Such fees are stated in the Schedule of Fees, attached hereto and incorporated herein by reference. These fees will be

administered in a manner consistent with other dedicated offerings. This fund may be used only for constructing Columbaria, purchasing additional Niches, supplies, inscribing and/or modification/maintenance of the Columbarium.

- C-4 Exclusive and Non-exclusive Rights to Use:** A Subscriber may purchase an exclusive right or a non-exclusive right to use a Niche as follows:
- a. Exclusive Right:** A Subscriber of the exclusive right to use a Niche shall pay the scheduled fee for the entire Niche and shall be entitled to name one (1) or two (2) persons whose ashes are to be inurned in that Niche, provided that the named person or persons qualify as eligible, as that term is defined in the Rules and Regulations.
 - b. Non-exclusive Right:** A Subscriber may apply to pay the scheduled fee for half the Niche if (a) that person desires to place ashes of only one (1) person and (b) agrees that the Committee may assign the remaining space in the Niche. The Committee shall retain discretion to grant or deny such request for shared, non-exclusive use of a Niche and to assign the remaining space in the Niche.
- C-5 Arrangements for Inurnment:** The Pastoral Staff shall have complete authority for all religious services of committal. Sufficient and proper notices of intended Inurnments 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 inurnment shall be in the manner directed by the Pastoral Staff.
- C-6 Application for Inurnment:** Application for Inurnment shall be made in writing by the Subscriber or any person or persons described in **Section 711.008**, Texas Health and Safety Code. Application shall be made on forms provided by the Columbarium Committee, and filed with the Columbarium Committee, Business Manager or the Pastoral Staff.
- C-7 Responsibility for Identity:** The Church and the Columbarium Committee shall not be liable for ensuring the identity of the person whose cremated remains are sought to be Inurned.
- C-8 Limitations of each Niche:** Size of Niches allows cremated remains of only one (1) or two (2) persons to be Inurned in each Niche.
- C-9 Inurnment Permits:** Any permits for Inurnment 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 St. Martin's Lutheran Church be responsible for acquiring any such permits.
- C-10 Containers, Urns, Niche Fronts:** Inurnments in the Niches may be made only in the Urns approved by the Columbarium Committee. All Niches will have a uniform Niche Front attached to the outside face of the Niche, which will be inscribed with the name of the Decedent and date of birth and date of death. Cost of the Urn, Niche Front and inscribing shall be included in the purchase price of the Niche.

- C-11 Opening and Closing of Niches:** The Church will arrange for the opening and closing of Niches at the time of Inurnment. Cost is included in the purchase price of the Niche.

DISINURNMENTS AND REMOVALS

- D-1 Removal for Profit Prohibited:** Removal of cremated remains so that the Niche inurnment rights may be sold for profit, or removal contrary to the expressed wish of the original Subscriber, is repugnant to the ordinary sense of decency and is absolutely forbidden.
- D-2 Removal from Niche Location:** Cremated remains and the Niche Front 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 pay for the 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 or should it be necessary to move the Columbarium to another location on the Church property, it shall be the responsibility of the Congregation Council to provide facilities then existing for the re-depositing of the remains committed to its care, and the Congregation Council 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 inurn shall terminate,
 - b. The Congregation Council, 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 Congregation Council or its successors, shall not otherwise dispose of the Urns within three (3) years after the Columbarium facilities are discontinued for any reason.

TRANSFER OR RE-ASSIGNMENTS

- E-1 Unilateral Transfer by Subscriber Prohibited:** All rights conferred by a Certificate of Inurnment 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 Inurnment Rights or Agreement Regarding Inurnment 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 or Subscriber's authorized representative shall surrender the Certificate of Inurnment and the Columbarium Committee shall issue a new Certificate of Inurnments Rights to the approved transferee upon the approved transfer execution of an Agreement Regarding Inurnment rights. The new transferee shall be bound by these Rules and Regulations.

- E-3 Transfer Charges:** All transfers of ownership in Inurnment rights to Niches shall be subject to a charge to be fixed by the Columbarium Committee. The charge must be paid to the Columbarium Fund when the transfer is recorded on the books of the Columbarium Committee and the new Certificate is issued.
- E-4 Limitations:** If any Niche is not used within fifty (50) years of the purchase of Inurnment rights and reasonable efforts have failed to locate any family of the Subscriber, the Columbarium Committee will be free to reassign such Niche.

FLOWERS, ORNAMENTS, DECORATIONS

- F-1 Floral Regulations:** No flowers or plants shall be placed in 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:** The use of felt, crushed silk, satin, velvet or other cloth in a Columbarium Niche is prohibited. 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, and if so placed, the Columbarium Committee reserves the right to have any such articles removed and disposed of without notice.

INSCRIPTIONS

- G-1 Uniformity of Inscribing:** The inscribing on each Niche Front 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 Decedent, date of birth and date of death.
- G-3 Correctness of Inscription:** An Inscription Order Form 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 inscribing the Niche Front. Arrangements for the inscribing, in accordance with the name 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 Pastoral Staff and Columbarium Committee are hereby empowered to enforce all rules and regulations and to exclude from the Columbarium any person violating respectful decorum.

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 Pastoral Staff, the Columbarium Committee may make exceptions, suspensions or temporary modifications and any such temporary exception, suspension or modification shall in no way be construed as waiver of the general application of such rule. When such exceptions, suspensions or temporary modifications are made with regard to a particular person rather than the facility as a whole, they will be made in writing to reduce confusion.

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, that any such change, addition or repeal shall not become effective until ratified by the Congregation Council.

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 on to the extent of such partial invalidity, remain and be valid and effective.

ADOPTED by vote of the Congregation Council of St. Martin's Lutheran Church,

Austin, Texas at a regular meeting, dated on the _____ day of _____.

Congregation Council of

St. Martin's Lutheran Church

By: _____

President

By: _____

Secretary

ST. MARTIN'S LUTHERAN CHURCH COLUMBARIUM

SCHEDULE OF FEES FOR PHASE 1 NICHEs

Phase 1 Niches are Niches available in the initial construction. All Phase 1 Niches are companion Niches, meaning that the ashes of up to two (2) Decedents may be stored in each Niche.

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| 1. Right to exclusive use of Niche in Columbarium for ashes of two (2) Decedents | \$2000.00 |
| 2. Right to exclusive use of Niche in Columbarium for ashes of one (1) Decedent | \$2000.00 |
| 3. Right to non-exclusive use of Niche in Columbarium for ashes of one (1) Decedent (See Paragraph C-4(b).) | \$1000.00 |
| 4. Pre-Subscription Offer – An alternative pre-subscription offer only for the first 20 Niches secured by full payment is available at a 20% discount with the right of Niche location selection in order of subscriptions received. NOTE: Fees to be refunded if Columbarium is not constructed. | |

A statement reflecting the portion of the fee paid by the Subscriber that is in excess of the Church's cost to provide and maintain the Niche will be provided to the Subscriber for tax deduction purposes as allowed by law.

Steps Needed to Secure a Niche

1. Request the Columbarium documents from the Business Manager, Columbarium Committee or Church Staff: *Application to Reserve a Niche*, *Rules and Regulations for Columbarium Operation*, and *Agreement Regarding Inurnment Rights in the Columbarium*.
2. Review the *Rules and Regulations for Columbarium Operation* and ask the Columbarium Committee any questions you have.
3. Complete two documents: 1) *Application to Reserve a Niche*, and 2) *Agreement Regarding Inurnment Rights in the Columbarium* (See section A-15. This is a contract). Return these documents to the Business Manager or Columbarium Committee.
4. Upon payment of appropriate fee, receive the *Certificate of Inurnment Rights*. (See section A-15).
5. Pursuant to inurnment, an *Inscription Order Form* (See section G-3) is to be completed by the Decedent's representative with exact name, and dates of birth and death.