

## ZION LUTHERAN CEMETERY ASSOCIATION CONSTITUTION

The memberships in this association shall be non assignable and nontransferable.

The duration of this association shall be perpetual.

The management of the affairs of this association shall be vested as a Sexton, Secretary, and Treasurer and shall be voted by the congregation and they shall serve as Directors.

The Secretary and Treasurer of the association shall not be the same as the Secretary and Treasurer of the congregation.

The annual meeting of this association shall be held on the Sunday immediately preceding Memorial Day each year. Such other meetings may be held as are provided for in the by Laws. All members of the Cemetery Association must be members of Zion Evangelical Lutheran Church.

The term of office of all officers of the Association shall be for the term of one (1) year.

The Secretary shall record the proceedings of all meetings of the Board and of the Association; he shall send all necessary notices, receive, and answer all correspondence; he shall notify each member of the Board of the date, place, and time of meetings. The Secretary shall also keep records of all names and money put in the perpetual fund as well as all other funds.

The Board of Directors shall manage, supervise, and direct the affairs of this Association; it shall be empowered to order improvements, but not to exceed the money on hand.

In the event of a vacancy on the Board of Directors, the remaining Directors shall have the power by unanimous vote to fill said vacancy until the following meeting.

To alter or repeal any By Law of the Association shall require a majority vote of the members of the Association present at a regular or special meeting at which there is a quorum present.

### DEFINITIONS:

- Head Stone: Monument placed at west end of burial lot.
- Foot Stone: Monument placed at east end of burial lot.
- Foundation: The concrete or granite pad on/in which a monument is placed.
- Lot: An area in the cemetery that has been designated by the board that measures approximately 3 feet wide, by 8 feet long.

### GRAVES AND LOTS:

1. There is hereby established a fund known as the Perpetual Care fund for the purpose of caring for lots in perpetuity. It shall be the duty of the Treasurer to set aside all money received for the Perpetual Care Fund. All money paid into said fund and transferred thereto shall not be removed there from, but shall be invested in securities by the Treasurer upon the approval of the Board of Directors who shall pass on all investments as an investment committee. Only the income derived from the investments of said fund may be used for operating expenses.
2. The term Perpetual Care shall mean the cutting of grass upon the lot or grave at reasonable intervals, the raking or cleaning of the lot or grave, the pruning of the shrubs and trees planted by the Association, or which were upon the lot or grave in good and neat condition meaning and intending to continue forever similar work to that now regularly done upon the lots and graves in the Zion Lutheran Cemetery along these lines.
3. The cost of Perpetual Care for lots and any other fees deemed necessary shall be established by the Board of Directors, subject to the approval of the Association. Any member shall be entitled to purchase a lot with Perpetual Care.

4. Reasonable care shall be exercised in the selection of securities for investments. Interest bearing loans only shall be made in an amount and at a rate to be determined by the Board of Directors.
5. Hereafter, members of the Association shall not be allowed to raise Lots above grade.
6. Hereafter, members of the Association shall not be allowed to enclose any lot with a wall, fence, railing, or any other type of enclosure.
7. Hereafter only annual plants will be allowed to be planted on lots, with the families being responsible for their upkeep. Families shall remove all artificial flowers/decorations one week after Memorial Day. If artificial flowers/decorations are not removed at that time, the Board of Directors will have the right to remove and discard any such decorations. The Board will not be responsible for any misplaced or removed items.
8. Only one metal decoration holder, (such as a Shepard's hook or plant stand) shall be allowed per lot, and shall be placed at the west end of the lot, near the headstone.
9. The Board of Directors may order removed or shall have authority to enter upon any lot to remove any trees or shrubs, monument, wall or fence enclosure or other structure determined to be detrimental to adjacent lots or dangerous or inconvenient to pass by, or which for any reason is bound to interfere with the care and upkeep of the cemetery.
10. Hereafter one lot shall contain the remains of no more than two people.
11. Hereafter one lot may contain the remains of two people if and only if the remains of both people are cremation remains.
12. Hereafter all remains (including cremation remains) must be buried inside of a concrete receptacle.

#### BURIALS:

1. No grave shall be opened or burial made in the cemetery unless perpetual care is paid in full and one of the officers has determined that all regulations, conditions, and limitations in these By Laws have been and are to be complied with, and upon payment to the Treasurer of a fee established by the Board of Directors, subject to the approval of the Association.
2. The Board of Directors shall have authority to prescribe the dimensions of all graves.
3. Only rostered clergy in the ELCA or rostered clergy in any church body with which the ELCA is in full communion shall be allowed to officiate in the cemetery. No society or organization conflicting with the Word of God shall be permitted to practice any of its ceremonies in the cemetery.
4. The Secretary shall file the burial permits.
5. Members of the Association are entitled to burial privileges. In case of nonmembers, the Perpetual Care shall be paid before the permit is issued.

#### MONUMENTS (Hereafter all monuments shall conform to the following):

1. All monuments and any other type of grave markers must be kept in good order by the families of the lot.
2. All foundations must be placed flush with or below the grade of the surrounding ground.

3. Headstones and footstones may not exceed the outside dimensions of their respective foundations.
4. Head stone foundations shall be no larger than 60 inches (north to south) by 24 inches (east to west) for 2 or more adjacent lots (husband and wife) and no larger than 36 inches(north to south) by 24 inches(east to west) for a single lot.
5. No headstone shall be taller than 42 inches from the top of its foundation, to the highest point of the stone.
6. All footstones must be placed flush with or below the grade of the surrounding ground.
7. Footstone foundations shall be no larger than 36 inches (north to south) by 24 inches (east to west) and shall be placed in the cemetery only after burial of the deceased.

#### MISCELLANEOUS:

1. Membership in the Association shall be subject to any future amendment or revision of this Constitution and By Laws, and to any new provision in the Constitution and By Laws, and to any future regulations, conditions, or limitations made thereunder.
2. Those who transfer to other Lutheran congregations may retain membership in the cemetery Association upon their request. They shall be subject to annual dues or Perpetual Care.

#### AMENDMENTS:

##### AMENDMENT #1:

The Treasurer shall give a surety bond to the Cemetery Association for the faithful performance of his duties in such amount and with such sureties and conditions as the Board of Directors shall prescribe, the premium for which shall be paid by the Zion Lutheran Cemetery Association. The treasurer shall, within a reasonable time after receipt, deposit all funds in his possession in the bank(s) or savings and loan association(s) of deposit prescribed by the Board of Directors, and all payment shall be made by check drawn on such bank(s) or savings and loan association(s).

##### AMENDMENT #2:

Any burial plot not used by a deceased shall be reverted back to the Association after one year after death.

##### AMENDMENT #3:

All artificial plants and ornaments shall be placed next to the grave marker and all artificial plants and ornaments shall be removed after Memorial Day Week.

At a Special meeting on September 16, 1984 it was voted to allow non-member spouses of Zion members to be buried in Zion Lutheran Cemetery. The fee for Perpetual Care was set at \$100.00 per lot.

At the annual meeting on January 27, 1985, it was voted to allow non-members of Zion Lutheran Church to be buried at Zion Cemetery with the cost set at \$750. per plot with \$100 going for Perpetual Care and \$650 to go into a special fund.

May 25, 2008 amendment Added #12 under GRAVES AND LOTS:

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**ZION COLUMBARIUM FACEPLATE ENGRAVING STANDARD**

The engraving of the Columbarium faceplate may include both graphics (pictures) and text.

The engraving must be centered on the faceplate and not exceed (go outside) an area 10"x10".

All text will use the font "Times New Roman" and may include standard, bold and/or italic in any size.

Minimum text must include name, date of birth and date of passing.

No colors or inlays are permitted.

An exception to the standard is pre-approved in the case of a veteran's 8.5"x5.5" brass plaque which must be attached centered on the faceplate.

Schedule of Cemetery Fees  
(not a part of Constitution)

Cemetery Fees traditional earthen lot:

Burial Lot	Perpetual Care	Maintenance Fee	Total Lot Cost
Member.....	\$200.00	300.00	500.00
Spouse of member.....	200.00	300.00	500.00
Member (once was).....	200.00	300.00	500.00
Non Member .....	200.00	1,000.00	1,200.00

Columbarium	Beautification Fund? (landscaping, etc)	Columbarium Fund (next columbarium)	Total Niche Cost
Niche one set of remains .....	700.00	500.00	1,200.00
Niche two sets of remains.....	1300.00	500.00	1,800.00

Discretionary Fees:

Grave Locate and burial fee (Summer) up to ..... \$150.00

Grave Locate and burial fee (Winter) up to..... \$200.00

WHAT IS THE COMPARATIVE COST OF BURIAL? (Assuming the lowest cost option locally available for members)

	Cremation in Columbarium	Cremation in Gravesite	Traditional Burial
Acquiring site/niche	\$1200	\$500	\$500
Marker/Engraving	\$350	\$1000	\$1000
Outer Burial container/Vault	\$0	\$500	\$1200
Approximate Grave digging - (Summer)	\$0	\$300	\$600
Grave Location Fee	\$0	\$150	\$150
<b>COMPARATIVE COSTS</b>	<b>\$1,550</b>	<b>\$2,450</b>	<b>\$3,450</b>

What should I do if I am interested in purchasing a lot or a niche?  
Contact Wayne Johnson, Zion Cemetery Association Sextant.  
Phone 218-863-7500 or Email: [waynejohnsonotc@outlook.com](mailto:waynejohnsonotc@outlook.com)