

**RULES GOVERNING THE COLUMBARIUM**  
**ST. JAMES LUTHERAN CHURCH**  
**109 YORK STREET**  
**GETTYSBURG, PA 17325**

**I. PURPOSE**

The purpose of these rules is to set forth the way in which the Columbarium as St. James Lutheran Church (hereinafter called the Church) is administered and controlled.

**II. DEFINITIONS**

- A. "Columbarium" means that portion of the Church which includes the Columbarium niches and the immediately surrounding area.
- B. "Columbarium Committee" means the committee consisting of a pastor of the Church or his or her designee and other individual members of the Church who have been appointed by the Congregation Council.
- C. "Niche" refers to the recessed enclose of the placement of cremated human remains.
- D. "Reservation and use fee" means the fee per niche which is payable to the Church to obtain the privilege of exclusive reservation and use of a niche or niches in the Columbarium. The reservation and use fee shall be determined and may be changed by the Columbarium Committee at any time without notice.

**III. ADMINISTRATION**

The Columbarium, the space around it, and its use and its maintenance shall at all times be under the full control of the Church. This control shall be exercised through the Columbarium Committee (hereinafter called the Committee) appointed by the Congregation Council.

The Committee shall meet as required, and those Committee members present shall constitute a quorum so long as all Committee members have been notified of the meeting at least 48 hours in advance. The Committee shall report at least annually to the Church.

**IV. THE COLUMBARIUM**

The Columbarium consists of a set of niches of uniform size for the placement of the ashes of cremated human bodies. Each niche shall have a metal nameplate, uniform in size, upon which shall be engraved only the date of birth, date of death, and the name of the deceased whose ashes it contains. Niche nameplates shall be provided by the Church. Every attempt is to be made to keep the nameplates uniform on all niches. If additions are to be made to the Columbarium, to the extent possible, the same design shall be utilized as in the original

installation. Containers or urns for each niche are included in the purchase price and are provided at the time of inurnment.

## **V. RESERVATION AND USE PRIVILEGE**

The privilege to reserve or use a niche in the Columbarium is obtained by or on behalf of a person by (a) payment in full of the then-current reservation and use fee for the privilege, and (b) signing the Reservation and Use Agreement. Alternately, niches may also be reserved by (a) payment of 50% of the then-current total amount for the reservation and use fee, with an additional 25% to be paid for two years following the date of the Reservation Agreement, or payment in full of the remaining balance of the reservation and use fee within that time and (b) signing the Reservation Agreement. Reserved niches may be used, and a Certificate of Use will be issued after payment in full of the reservation and use fee for the privilege. The reservation and use fee may be subject to change without notice in the event full payment of the fee is not received within two years of the date of the Reservation Agreement.

## **VI. TITLE AND RIGHTS OF THE CHURCH**

Legal title of the Columbarium and all niches contained therein shall at all times remain in the Church. The right of reservation and use of the Columbarium niche(s) is a license to reserve and use niche(s) in the Columbarium of the Church, and is not a property right. The right to reserve and use niche(s) in the Columbarium may not be sold, gifted, conveyed, devised, assigned, or otherwise transferred.

The right to reserve and use a niche for the placement of cremated human remains and to keep them there as long as the Columbarium is maintained by the Church is based upon the following conditions:

1. The purchaser of this right, who has paid the fee for the privilege in full, shall receive a Certificate of Use, signed by the Chair of the Committee. This certificate will attest to the purchaser's exclusive right to use a niche assigned by the Columbarium Committee for the inurnment or placement of the cremated human remains of the person(s) listed on the Certificate.
2. Except as otherwise provided herein, there shall be no future charges or assessments after the fee has been paid in full.
3. Except as set forth below, the exclusive right to use a reserved niche may not be sold, gifted, conveyed, devised, assigned, or otherwise transferred. It can only be surrendered back to the Church for fifty percent (50%) of the fee paid for the privilege. In the event surrender of the reservation and use right occurs after the inurnment or placement of the ashes of a person, or otherwise following the alteration of the niche or niches for such purposes, the right may be surrendered to the Church for fifty percent

(50%) less costs incurred or to be incurred by the Church to restore the niche or niches to their original and unmarked condition.

4. In the event the exclusive right to use a reserved niche or niches is not exercised by or on behalf of any of the persons listed on the Certificate of Use issued to the purchaser within five (5) years following the death of the last surviving person listed on the Certificate of Use as found in the records of the Committee, the exclusive right to use the niche or niches reserved or to surrender the right shall expire, and the niche or niches may be reserved and reassigned at the Committee's discretion.
5. The Church shall exercise reasonable and responsible care in maintaining the Columbarium. However, the Church shall have no liability for any loss or, or damage to the Columbarium, the niches or the contents therein, as a result of any act of man or nature, including, but not limited to fire, lightning, wind storms, explosions, smoke, vandalism, malicious mischief, war, civil commotion, collapse of building, or accidental discharge, leakage, or overflow of water. No personal liability, whatsoever, shall be incurred by any person acting on behalf of the Church in connection with the Columbarium.
6. The Church reserves the right to enlarge, remodel, or relocate the Columbarium. In the event that any niche is affected by such an action, the Church shall substitute and the Committee shall designate another niche of substantially like size and character. The purchaser shall retain the same rights as originally held. In the event that the Columbarium shall be discontinued and demolished, the Church shall notify the next of kin of all inurned giving them the right to remove cremated remains at their expense.

## **VII. RESERVATION AND USE FEE AND ASSIGNMENT OF NICHES**

1. The fee to obtain the privilege of exclusive reservation and use of a niche will be determined, and may be changed from time to time, by the Committee. The fee for reservation and use is \$1,100 per niche. Any member of the church staff, who has been given emeritus status by the Congregation Council and/or the Church will be offered a niche in the Columbarium at no charge.
2. The amount of the fee per niche in excess of the fair market value of the niche(s) reserved will be considered a gift to the Columbarium Fund of the Church. The Committee will periodically review the fair market value of niches as a reasonably necessary and at its discretion. The fee for the reservation and use privilege will cover the cost of the niche, installations and beautification of the area around the Columbarium, opening and closing of the niche, engraving of the nameplate, and any excess of funds to be maintained in a reserve account, separate from the general Church funds, for the future needs related to maintenance, enlargement, or moving of the Columbarium.

3. The assignment of niches shall be at the sole discretion of the Committee. The Committee shall maintain a current listing and/or diagram illustrating the Columbarium niches reserved and assigned. However, an effort shall be made by the Committee to place family niches in proximity.

#### **VIII. CONDITIONS**

All cremated remains shall be inurned in a columbarium niche with a Christian committal service conducted by a pastor of this Church or under his/her supervision. Committal services by fraternal or other organizations are not permitted. Funeral services may be held in the church's nave in accordance with church policy.

The Columbarium shall be open to visitors when the Church is open to the public. No permanent flowers, flags, or other decorations may be added except as approved by the Committee.

#### **IX. ADOPTION**

These rules were adopted by the Committee and ratified by the Congregation Council of St. James Lutheran Church as of November 20, 2013 and may be amended from time to time upon recommendation of the Committee and upon ratification by the Congregation Council.

Amended by Columbarium Committee, and approved by St. James Lutheran Church Council on Wednesday, November 14, 2018