

Trinity Lutheran Cemetery Policy

I. INTRODUCTION

- a. It is necessary to adopt certain policy governing the Cemetery and to enforce them, since deviation from the rules would jeopardize the perpetuity and beauty of the Cemetery. We trust that Trinity church members will appreciate the fact that these rules are adopted for their protection and they will at all times cooperate with our church in their observance.

II. POLICY

- a. For the mutual protection of every lot or space, this policy is hereby adopted as the policy of the Trinity Lutheran Cemetery and all property owners and visitors within the Cemetery, shall be subject to said policy, and subject, further to such policies, amendments, or alterations as shall be adopted by the Trinity Lutheran Church Voter's from time to time.

III. DEFINITIONS

- a. A current church member is defined as a confirmed Trinity Lutheran Church member.
- b. Lot or Space: "Lot" refers to a specific group of spaces or grave sites which are assigned the same lot number. Within each lot there will be 4 or 8 spaces or graves. A space or grave being ground in the Cemetery used, or intended to be used, for burial. A lot may not be used for any other purpose than as a place of burial for the dead or as a memorial for the dead.
- c. Memorial and Monument Defined: Memorial means a monument, marker, table, headstone, tombstone, or crypt nameplate. Monument means a tombstone or memorial of granite, or other approved stone, which shall extend above the surface of the ground, unless otherwise specified.
- d. Governing Body Cemetery Board Defined: The Cemetery Board is an advisory board to the Voter's assembly of Trinity Lutheran Church. The Cemetery Board will consist of the Cemetery Caretaker and Trustees of Trinity Lutheran Church. Trinity Lutheran Church owns and manages the Cemetery.

IV. GENERAL SUPERVISION OF CEMETERY

The Church shall have the final determination on all matters related to the Cemetery and reserves the right to refuse the use of any of the Cemetery facilities at any time to any person or persons whom the governing body may deem objectionable to the best interests of the Cemetery.

V. INTERMENTS AND DISINTERMENTS

a. Subject to Laws

Besides being subject to this policy all interments, disinterments and removals are made subject to the orders and laws of the properly constituted authorities of the Church, County and State.

b. Burials permitted

1. Current church members. See definition under III A.
 - a. Immediate family of current members, (relatives of the first degree, namely, father, mother, brother, sister, son or daughter) may be interred in the family lot, provided there is room in the family lot.
2. Former church members and family – provided the following requirements are met.
 - a. Spouses of former Trinity members can be buried in their family plot – spouses as defined by Scripture, one man and one woman – Genesis 2:24, and Matt 19:4-6 - ESV
 - b. Immediate family of former members, (relatives of the first degree, namely, father, mother, brother, sister, son or daughter) may be interred in the family lot, provided there is room in the family lot.

c. Interments, disinterments and Removals

1. No graves will be opened by anyone other than those approved by the Cemetery Caretaker unless approved by the Voter's Assembly.
2. Only the pastor of Trinity Lutheran Church shall be permitted to officiate at a burial at this cemetery, unless permission is granted by the Voter's Assembly or Pastor for another LCMS pastor to officiate at the burial. No rites of Secret Orders are to be permitted at the cemetery.
3. Caskets Not to be Disturbed

Once a casket containing a body is within the confines of the Cemetery, no funeral director, nor his embalmer, assistant, employee or agent, shall be permitted to open the casket or touch the body without the written consent of the legal representatives of the deceased, or without a court order. The lowering of caskets or vaults into the grave by the funeral director or his assistant is prohibited.

d. Cemetery Charges

There will be charges for removals of caskets from the cemetery. The charges will be determined by the Voter's Assembly.

e. Subject to Laws

Besides being subject to this policy all interments, disinterments and removals are made subject to the orders and laws of the properly constituted authorities of the Church, County and State.

VI. SUBDIVISION OF LOT

a. May not subdivide lots

1. The subdivision of lots is not allowed.
2. The lot remains the property of Trinity Lutheran Church and unused spaces may not be sold or reissued.

VII. GENERAL CEMETERY REQUIREMENTS

- a. Foot markers shall not be allowed in the cemetery.
- b. All forms must be removed from headstone bases.
- c. The use of vaults is required in the cemetery.
- d. No concrete ground cover shall be allowed over graves except for concrete vault covers.
- e. All cremains must be buried in a supportable container.
- f. Only one casket or two cremains container per space.

VIII. HEADSTONE REGULATIONS

- a. All monuments must meet the following requirements.
 1. 26 inch Maximum Base Depth
 2. 36 inch Maximum Height
 3. Width – Must not exceed the confines of the lot this also includes the concrete base
 4. Wording and Art Work on monument must be approved by the Cemetery Caretaker or Voter's Assembly of Trinity.
 5. Stone or Marker Placement Verification. Before any crew sets a stone, or before anyone sets a marker of their own making, the Cemetery Caretaker must be contacted to verify the stone or marker meets the regulations and requirements set forth herein, and to verify the placement of such within the Cemetery. All stones must be located on the west edge of the lot.

IX. CONTROL OF WORK BY CHURCH

a. **Work to be Done**

All grading, landscape work and improvements of any kind, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed, and all openings and closings of graves and all interments, disinterments and removals shall be made only by Trinity. Plantings of any kind on family lots will not be permitted.

b. **Church Must Direct and May Remove Improvements**

All improvements or alterations of individual property in the Cemetery shall be under the direction of, subject to the consent, satisfaction and approval of, the Caretaker or Voter's Assembly, and should said improvements or alterations be made without written consent, the Church shall have the right to remove, alter or change such improvements or alterations at the expense of the lot owner, or, in any event, if at any time, in the judgment of the Church, they become unsightly to the eye. Only one above ground marker may be placed upon any single space within any given lot. Foundations for memorials or markers must be specifically approved by the Cemetery Caretaker or Voter's Assembly.

X. DECORATIONS OF LOTS

- a. All landscaping, including planting of trees or shrubs will be done with the approval of the Cemetery Caretaker or Voter's Assembly. The lot owners are urged to feel free to consult the Church regarding matters pertaining to the general beautification, care, and maintenance of lots in the Cemetery.

XI. REPLATTING

The church has the right to replat, regrade, and use cemetery property. The right to enlarge, reduce, replat and/or change the boundaries or grading of the Cemetery or of a section or sections, from time to time is thereby expressly reserved. The Cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

XII. GENERAL RULES

- a. Throwing rubbish on the grounds is prohibited.
- b. No lot or space owner shall attempt to raise or move a marker on a lot without first consulting with the Cemetery Caretaker.
- c. No burial or memorial shall be allowed for pets of any sort at the cemetery.
- d. Flowers and floral decorations on new interments will be left for a period of seven (7) days during summer month, then removed and disposed of.
- e. All permanent flower containers shall be constructed of concrete, steel, brass or other approved durable materials. Container constructed of fragile materials such as glass, paper or plastic will not be allowed for permanent flower arrangements. All permanent flower containers shall be placed on a concrete pad, level with the existing grade, with six (6) inches of clearance around the container. The only approved location for concrete pads and permanent flower containers shall be at either or both ends of the base for the grave marker, remaining in within the grave space and specifically prohibited from the front and rear of the marker. The installation of permanent flower containers must be approved by the Cemetery Caretaker.
- f. Pets shall not be allowed on the Cemetery grounds.
- g. All monuments and markers shall be constructed of natural stone of a quality approved by the Church. No artificial stone of any description shall be permitted. No signs may be placed anywhere on the Cemetery grounds.
- h. No private mausoleums or columbarium's may be erected in the Cemetery.
- i. All Christmas Decorations should be removed by March 15.
- j. All decorations not in permanent vases should be removed seven (7) days after any holiday.

XIII. PROTECTION AGAINST LOSS

- a. When Cemetery is Not Responsible
The Cemetery shall take reasonable precaution to protect the lot owners within the Cemetery, from loss or damage; but it hereby disclaims all responsibilities for loss or

damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, and act of God, common enemies, thieves, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided. Damage done to loss or other property by dealers or contractors, or their agents shall be repaired by the Cemetery; and cost of such repairs shall be charged to the dealer, or contractor, or to his principal.

b. Persons Permitted on cemetery Lot; Duty to Trespassers

Any person who shall be considered a trespasser, Trinity Lutheran Church shall owe no duty to the trespasser to keep the property, or the memorial therein, in a reasonable safe condition.

XIV. IMPROPRIETIES

- a. It is of the utmost importance that there should be strict observance of all the proprieties of the Cemetery whether embraced in this policy or not, as no improprieties shall be allowed and the Cemetery Board shall have the power to prevent assemblages.
- b. All persons are reminded that the grounds are sacredly devoted to the burial of the dead, and the penalties of the law will be enforced in all cases of wanton injury, or disturbance and disregard of this policy.

XV. AMENDMENTS

Trinity Voter's Assembly may, and it hereby expressly reserves the right, at any time or times, to adopt new policies, or to amend, alter and/or repeal any article, section, paragraph and/or sentence in this policy.

Adopted 05/20/2018 by the Voter's Assembly of Trinity Lutheran Church, 32695 Road 768, Ogallala, Nebraska