

**BYLAWS OF ST. JOHN'S LUTHERAN CHURCH CEMETERY  
BARRE MILLS, WISCONSIN**

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Approved by Voters on July 29, 2013

**ARTICLE 1. NAME OF CEMETERY:** St. John's Evangelical Lutheran Church Cemetery of Barre Mills, Wisconsin.

**ARTICLE 2. LOCATION OF CEMETERY:** The old cemetery is about ¼ mile east of the church. The new cemetery is located west of the church site. The newest section is located south of the handicapped parking lot.

**ARTICLE 3. PLACES OF BURIAL:** The cemetery is laid out in Lots, according to a plan accepted by the Cemetery Board. The Lot sizes and configurations vary by the quantity and type of burial sites\*. The Cemetery Association has the authority to use their best judgment in arranging cremation and infant burial where special circumstances exist with the family and previous burials within a Lot. See Article 16 for details regarding gravesite markers.

**ARTICLE 4. SINGLE GRAVES\*:** Single sites shall be sold in a designated area and sold in numerical order as designated by the Cemetery Board.

**ARTICLE 5. PRICE OF LOTS:** The Cemetery Association Board shall maintain a price list of all types of sites and lots that are available for sale. The pricing is to be coordinated annually with the Congregation Council and Voters and shall be available within the church for access by all members.

**ARTICLE 6. DEED:** As soon as the price for a lot has been paid, the purchaser shall receive a deed ensuring the purchaser and any heir of a burial place, and the owner of the lot is bound to adhere to the Cemetery Association rules and regulations.

**ARTICLE 7. ACQUISITION RIGHT:** Since the cemetery is and is to remain the property of our Lutheran Church, only those persons who are members of St. John's Evangelical Lutheran Church may purchase any burial lots/sites. The Cemetery Board is not permitted to sell a lot to any other person. The owner of a lot may designate burial rights to the immediate family members, even though they may not be a part of St. John's Lutheran Church or another WELS church. However, assignments of burial rights to individual(s) that are not a part of the Owner's immediate family require approval by the Cemetery Association and updating of the cemetery records. The Cemetery Board has the authority to determine appropriate burial rights where no designated heir or responsible party of the Owner has been identified.

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**ARTICLE 8. RIGHT TO SELL:** The Cemetery Association has the sole right to sell cemetery lots. If the owner of a Lot wishes to sell his/her entire Lot, or any portion, it must be returned to the Cemetery Association at the original purchase price. If the owner does not have a record of the original purchase price, the Cemetery Association will make their best estimate of the price based on archived records or input from past Board Members. Upon release of the lot to the Cemetery association, the original owner's deed will be deemed null and void; or, in the case of a partial lot sale, it will be reissued showing the remaining portion still owned by the member. The Cemetery Association shall have the right to resell the Lot at the current prices. The resale of lots and sites must comply with the rules and regulations of the Cemetery Association.

**ARTICLE 9. PERPETUAL CARE\*\*:** The funds retained by the Cemetery Association consist of an Operating Fund to cover the ongoing annual maintenance of the cemetery and a Perpetual Care Fund which is intended as a reserve. The funds must be retained in federally insured, interest bearing accounts which have minimal risk to loss of principle through market or economic conditions. The funds shall only be used for the maintenance of the cemeteries in accordance with these by-laws and any associated Board Resolutions. If the Cemetery Board determines that the Operating Fund will not be sufficient to cover annual maintenance costs, they shall notify the Church Council who is responsible for making the necessary funds available. In no case will the Board utilize funds from the Reserve Account without authorization of the Church Council.

**ARTICLE 10. RIGHT TO VOTE:** Every voting member of the congregation has the right to vote in the affairs of the cemetery.

**ARTICLE 11. MANAGEMENT OF CEMETERY:** The management of the Cemetery shall be vested in the Cemetery Board which acts as a Board of Trustees for the cemetery and which consists of the pastor of the congregation and three members of the congregation who are elected for three-year-terms. The Board shall elect annually its own chairman, as well as a secretary-treasurer. The election is to take place at the Annual Meeting of the congregation, and in such a way that one of the members is elected each year.

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**ARTICLE 12. DUTIES OF THE BOARD:** It shall be the duty of the Board to see to it that the cemetery is maintained in compliance with all by-laws and statutes of the State of Wisconsin and is kept in good order and that the graves are made correctly. This includes ensuring that the headstones/markers are set correctly and are maintained in a safe and proper manner (See Article 16 for additional details). If any conflict exists between these Bylaws and the State Statutes, the State Statutes will prevail. The Board may adopt rules and regulations as a means of clarifying the By-laws so long as they do not change their purpose or intent, and they are made available to the church members. All such rules and regulations are to be provided to the Congregation Council.

**ARTICLE 13. DUTIES OF THE CHAIRMAN:** The Chairman shall have a plan of the cemetery on which the numbers of the lots and names of the owners are listed. He shall also, in a special book, list the lots, the names of those who purchased the lots, and the names of the people buried in the lots. He shall be in charge of lot sales. He shall have general supervision of the cemetery.

**ARTICLE 14. DUTIES OF THE SECRETARY-TREASURER:** He shall keep a record of the Cemetery Board, and he shall keep a record of any resolutions pertaining to the cemetery that are passed by the congregation. He is to receive all monies taken in from sale of the lots and keep careful record. He shall also, upon recommendation of the Board, pay all cemetery expenses. He shall also give an annual report at the annual meeting of the congregation. The Auditing Committee of the congregation, consisting of three members, shall examine his books and report to the congregation.

**ARTICLE 15. GRAVES:** Graves shall be of a reasonable depth. The graves must be dug six inches within the boundary of the lot. The Cemetery Board shall designate a man who shall dig the graves and also the amount he may charge for digging the graves.

**ARTICLE 16. GRAVESITE MARKERS:** The installation and maintenance of gravesite marker(s) are the responsibility of the owner of the burial site(s) and/or their heirs with the following requirements:

- Only stone or other acceptable, permanent material shall be used,
- Reputable monument company(s) must perform the construction and installation,
- Only one vertical marker is allowed, at the head location on each site. If more than one burial is approved on a single site, any additional markers must be flush with the ground.
- The looks of the marker(s) must blend with the aesthetics and culture of the cemetery.
- The Markers must be maintained to preserve their looks and safety, and to allow the proper maintenance of the grounds by the association.

If any marker become unsafe, unsightly or impedes the maintenance of the surrounding area and no site owners, heirs or other designated individuals are either available or able to correct the situation, the Cemetery Board may undertake the necessary repairs after proper notifications and coordination with the Congregation Council.

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**ARTICLE 17. TREES AND SHRUBS:** It shall be the duty of the Board to see to it that no trees, shrubs, etc. are planted in the cemetery.

**ARTICLE 18. LIABILITY:** Neither St. John's Lutheran Church nor its Cemetery Board shall be liable for damage to or theft of stones or markers or other private property within the cemetery grounds due to vandalism, fire, water, acts of God, military action, contract workers or any other source whatsoever.

**ARTICLE 19. POLICIES AND RULES**

The Cemetery Association Board shall maintain a set of policies and/or rules which provide details regarding items such as pricing and clarify the requirements of the By-laws. Such policies and/or rules will be made available to the church membership and purchasers of cemetery lots/sites and will be covered with the Congregation Council at least annually.

*\*A site is defined as a single grave.*

*\*\*Perpetual care is defined as mowing the cemetery lawn and trimming around the gravestones.*