

CONSTITUTION

ST. JOHN'S EVANGELICAL

LUTHERAN CHURCH

OF

PETAWAWA ONTARIO

(Revised 2010)

CONSTITUTION

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH

PETAWAWA, ONTARIO

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PREAMBLE

In the name of the Father, and of the Son, and of the Holy Spirit. Amen

Recognizing that the Church of Jesus Christ and its unity is found in the “assembly of believers among whom the Gospel is preached in its purity and the Holy Sacraments are administered according to the Gospel,” and desiring to unite as a congregation in the common confession, defense, and proclamation of our faith in Jesus Christ, we adopt this constitution and pledge ourselves to be governed by its provisions.

ARTICLE I

NAME AND INCORPORATION

- Section 1. The name of the congregation shall be St. John's Evangelical Lutheran Church of Petawawa, Ontario.
- Section 2. This congregation may be incorporated under the laws of the province of Ontario.
- Section 3. The organization shall be carried on without purpose of gain for its members and any profits or other gains to the organization shall be used in promoting its objectives.

ARTICLE II

CONFESSION OF FAITH

- Section 1. This congregation confesses the Triune God – Father, Son, and Holy Spirit – as the one true God. It proclaims the Father as Creator and Preserver, His Son Jesus Christ as Redeemer and Lord, and the Holy Spirit as Regenerator and Sanctifier.
- Section 2. This congregation confesses that the Gospel is the revelation of God's saving will and grace in Jesus Christ, which He imparts through Word and Sacrament. Through these means of grace the Holy Spirit creates believers and unites them with their Lord and with one another in the fellowship of the Holy Christian Church.
- Section 3. This congregation confesses the Scriptures of the Old and New Testaments as the inspired Word of God, through which God still speaks, and as the only source of the Church's doctrine and the authoritative standard for the faith and life of the Church.
- Section 4. This congregation subscribes to the documents of the Book of Concord of 1580 as witnesses to the way in which the Holy Scriptures have been correctly understood, explained, and confessed for the sake of the Gospel, namely:
- a) The Apostles', the Nicene, and the Athanasian Creeds as the chief confessions of the Christian faith;
 - b) The Unaltered Augsburg Confession as its basic formulation of Christian doctrine;
 - c) Luther's Small Catechism as a clear summary of Christian doctrine; and

- d) The Apology of the Augsburg Confession, Luther's Large Catechism, the Smalcald Articles with the Treatise, and the Formula of Concord as further witnesses to the Unaltered Augsburg Confession.

ARTICLE III

NATURE AND MISSION

This congregation is a worshipping, learning, witnessing, and serving community of baptized persons, among whom the Word is proclaimed and the Sacraments are administered according to the Gospel, and whose corporate existence is recognized by the Evangelical Lutheran Church in Canada. It shall provide support to enable the fulfillment of the mission and ministry of this Church.

a) ***Worship***

This congregation, remembering God's mighty acts in the past, celebrating His abiding presence, and moving toward His promised fulfillment, will listen to the Word of God in Scripture and preaching, receive the Sacraments, and respond with confession, prayer, praise, thanksgiving, and with tithes and offerings. In order to assist members to acknowledge God's rule over their lives, their own unity as Christ's body on earth, and to express their relationship with God in public and in private, the congregation shall gather for worship regularly, and in accordance with the traditions of the Lutheran Church, recruit, equip, and support members for leadership in worship, use appropriate worship materials, and make certain that worship has a place in other functions of the congregation.

b) ***Learning***

This congregation shall develop an educational program designed to assist persons to grow in grace and faith and in the knowledge of the Scriptures and the Lutheran Confessions for service and witness in the world. To this end it shall provide learning opportunities with appropriate curriculum, shall recruit, equip, approve, and support teachers, and shall ensure that adequate study undergirds all functions of the congregation.

c) ***Witnessing***

This congregation, relying on the Holy Spirit, shall proclaim the Gospel by word and deed and thereby invite all people to repent and believe. The congregation shall recruit, motivate, equip, and support its members to witness to their faith at every opportunity in daily life so that the Lord is glorified, the fellowship is strengthened, the lapsed are restored, and new members are added to the congregation. It shall provide for the communication of the Gospel through fellowship in the wider Christian community. It shall assure that all congregational functions witness to the faith of the Church.

d) ***Service***

This congregation shall live by faith active in love. It shall motivate, equip, and support its members to minister in daily life; to participate as members of a caring community; to serve as Christians in all the institutions and structures of the society of which they are a part; and individually and corporately to promote justice and reconciliation, meet human needs, and alleviate suffering. In these efforts the congregation shall co-operate with the synod and the divisions of the Evangelical Lutheran Church in Canada, other Christian churches, and other groups in society. It shall make certain that all of its functions strengthen the motivation and ability for service.

e) ***Support***

This congregation, in faithfulness to God, shall provide leadership, organizational structures, facilities, and funds to enable fulfillment of its functions. The congregation shall strive to maintain effective stewardship practices, evaluate regularly the total life and ministry of the congregation, and recruit, equip, and support members of the congregation to provide for these activities.

ARTICLE IV

MEMBERSHIP

Section 1. The membership of this congregation consists of those baptized persons who:

- a) Have been baptized in this congregation, or
- b) Having been previously baptized in the name of the Triune God, have been received either by:
 - i) Transfer from another Lutheran congregation or another congregation of a Church in full communion with the E.L.C.I.C.
 - ii) Confirmation,
 - iii) Affirmation of faith, or
 - iv) By instruction and recommendation for membership.

Section 2. Members of this congregation may also be classified as confirmed and voting.

- a) Confirmed members are baptized members who have either been:
 - i) Confirmed in this congregation,
 - ii) Received by adult baptism,
 - iii) Received by transfer as confirmed members of another Lutheran congregation or another congregation of a Church in full communion with the E.L.C.I.C., or
 - iv) Received by affirmation of faith as baptized adults.
- b) Voting members are those baptized and confirmed or otherwise designated members in good standing. Only voting members may hold elected office.

Section 3. United in one Lord, one Faith, and one Baptism, the members of this congregation are to be constant in worship and in the study of the Holy Scriptures, regularly nourishing their life in Christ in the partaking of the Sacrament of Holy Communion, presenting their children for Holy Baptism and providing for their Christian instruction.

The members are called by the Holy Spirit to lead godly lives, to promote the unity and welfare of the congregation in the bond of peace, to proclaim the Gospel, and to renounce the evil one. The commitment of each baptized member to this call is to be expressed through the Evangelical Lutheran Church in Canada, its synods, and this congregation, by a life of repentance, faith, prayer, and the sharing of resources.

Section 4. Membership in this congregation shall be terminated by any of the following:

- a) Death,
- b) Resignation,
- c) Transfer or release,
- d) Exclusion, or
- e) Removal from the membership roster because of inactivity.

Section 5. A confirmed member who does not, for a period of one year, partake of the Sacrament of Holy Communion, support the Church with offerings, and participate in the life and worship of the congregation shall be visited by the pastor and the congregation's officers, and be encouraged by them to active membership. If, during the second year, the confirmed member does not actively participate, the member's name may be removed from the membership roster of the congregation, by action of the congregational council, but it shall be retained on a responsibility list as one who is in special need of the congregation's prayer and concern. Anyone so removed shall be given written notice of the council's action.

Section 6. A member who advocates doctrines which are contrary to the Holy Scriptures and the Confessions of the Church, or who is guilty of conduct that is grossly unbecoming a member of the body of Christ, shall be subject to discipline.

Section 7. Discipline in the congregation shall be exercised in accordance with Matthew 18: 15-18.

Section 8. Discipline shall be administered by the Congregational Council. A person who is requested to appear before the Congregational Council shall be advised in writing no less than ten days prior to the hearing. The written notice shall include the time and place of the hearing and shall specify the exact reason for the hearing. If a person fails to appear at the time and place without valid excuse, the council may proceed with the hearing and may reach its conclusion in the member's absence. Should the person be found guilty by a two-thirds vote of the members of the council, the council shall impose one of the following:

- a) Censure before the Congregational Council or the congregation,
- b) Suspension from membership until evidence is given of sufficient repentance and amendment, or
- c) Exclusion from membership and denial of the Sacraments.

In the event of the imposition of (b) or (c) above, the action of the council shall be in writing.

Section 9. There shall be the right of appeal to the congregation. Right of further appeal from a decision of the congregation shall be as provided in the constitution and bylaws of the synod.

ARTICLE V

AUTHORITY

Section 1. This congregation shall operate in accordance with its own constitution, owning its own property, making decisions in regard to its programming, calling its pastor(s) after consulting with the Bishop, and retaining authority in all other matters that have not been committed to the Evangelical Lutheran Church in Canada or its synods in their constitutions or by subsequent enactments.

Section 2. The authority of the congregation shall be vested in the congregational meeting, called and conducted in the manner provided in this constitution, and in the congregational council and in the boards and committees of the congregation, as provided by this constitution, or as assigned by the congregational meeting.

Section 3. Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by no less than a two-thirds majority vote of members at a legally called meeting of the congregation.

Section 4. Should this congregation disband, all property not disposed of, real, personal, and mixed, shall vest in the synod of which it is a part, its successor or assigns.

Section 5. Should this congregation cease to exist, or should its membership so diminish in numbers as to render it impossible or impractical for the congregation to function according to its constitution and bylaws, the synod shall, after consultation with any remaining members, deem the congregation to be defunct. The synod, through the Synod Council, shall appoint trustees, including where feasible, former members of the congregation, who shall take charge and control of the property of said congregation to hold, manage, and convey the same on behalf of the synod.

Section 6. In case of strife and division in the congregation, the council shall seek the advice of the Bishop of the synod.

ARTICLE VI

RELATIONSHIP TO THE EVANGELICAL LUTHERAN CHURCH IN CANADA

- Section 1. This congregation is and shall remain a part of the Evangelical Lutheran Church in Canada or its successor and of the synod of the church within whose boundaries it is located or to which it has otherwise been assigned.
- Section 2. This congregation claims for itself all the rights and privileges, and accepts all duties and obligations connected with being part of the Evangelical Lutheran Church in Canada. In doing so this congregation recognizes the constitution, bylaws, and enactments of the church and of the synod as having governing force in its life.
- Section 3. This congregation covenants to support faithfully with prayer, personal service, and offerings, the common work of the church and of the synod, for the Kingdom of God.
- Section 4. This constitution and all amendments thereto shall be transmitted to the synod for review to ascertain that none of its provisions is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in Canada or with the synodical constitution.
- Section 5. Should this congregation desire to relocate or merge with another congregation, it shall secure the advice of the synod before any commitments to that end are entered into.
- Section 6. Should this congregation desire to sever its relationship with the Evangelical Lutheran Church in Canada, this decision shall require a two-thirds majority vote of members at a legally called and conducted meeting of the congregation. Such a decision shall not be effective until at least ninety days after the Bishop has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called and conducted meeting of the congregation held not less than ninety days after the first meeting.
- Section 7. This congregation prohibits any corporate worship with any organization which practices the forms of religion without confession of faith in the Triune God, and in Jesus Christ, the eternal and incarnate Son of God, as our only Saviour.

ARTICLE VII

THE OFFICE OF THE MINISTRY

Section 1. A pastor of the congregation shall be a person whose soundness in the faith, aptness to teach, and educational qualifications have been examined and approved by the Evangelical Lutheran Church in Canada, and who has been properly ordained, who accepts and adheres to the Confession of Faith of this church, and who strives in life and conduct to be above reproach.

Section 2. Authority to call a pastor shall rest in the congregation. Such authority to call shall be exercised by not less than a two-thirds majority vote of members at a meeting legally called and conducted for that purpose. Throughout the call process the Congregational Council, or a committee authorized by the congregation(s), shall seek the advice and counsel of the Bishop of the synod.

Section 3. Only an ordained minister on the roster of the Evangelical Lutheran Church in Canada, or one who is recognized for call by a synod of the Evangelical Lutheran Church in Canada, may be called as a pastor of the congregation.

Section 4. Every pastor shall:

- a) Preach the Word, administer the Sacraments, and conduct public worship in harmony with the faith and practices of the church;
- b) Baptize, confirm, and marry in accordance with the teaching of the church and with the laws of the province, visit the sick and distressed, and bury the dead;
- c) Inculcate piety in individual and family life and provide pastoral leadership to all schools and auxiliary organizations of the congregation;
- d) Install members of the Congregational Council and, with the Council, administer discipline;
- e) Seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, at home and abroad;
- f) Encourage the members to be generous in support of the ministry of the congregation, the synod, and the church;
- g) Keep accurate membership records including baptisms, confirmations, marriages, burials, and communicants, and submit a report of such statistics annually to the secretary of synod on forms provided by the church. The parish records shall be kept in a separate book which shall remain the property of the congregation;
- h) Commend members who move to the pastoral care of the parish in which their new home is located.

Section 5. In order that a pastor of this congregation may be devoted fully to the duties of the office, adequate compensation and premiums under the church's pension plan shall be provided, paid in semi-monthly or monthly installments. Expenses incident to attendance at conventions of the synod and the church and at meetings otherwise required by the pastor's office shall be defrayed by the congregation, except where other provisions are made.

Section 6. The regular call of this congregation, when accepted by a pastor, shall constitute a relationship which shall be terminated only for the following causes:

- a) the resignation of the pastor;
- b) disqualification of the pastor through discipline;
- c) division of a pastoral charge;
- d) the physical or mental incapacity of the pastor;
- e) continued neglect of ministry; or
- f) inability to conduct the pastoral office satisfactorily in the parish in view of local conditions, without reflection on the moral and spiritual character of the pastor.

In the last three contingencies, the procedures provided for in the constitution of the synod shall be followed.

Section 7. In the event of alleged defection in doctrine or alleged conduct unbecoming a pastor, the matter shall be referred by the Congregational Council to the Bishop for action as provided in the constitution and bylaws of the Evangelical Lutheran Church in Canada.

Section 8. At a time of pastoral vacancy, an interim pastor shall be selected by the Congregational Council, after consultation with the Bishop. The interim pastor shall have the responsibility of a regularly called pastor. All interim and supply pastors shall refrain from exerting influence in the call process of the congregation.

Section 9. When an additional pastor is called, the privileges and responsibilities of that pastor shall be specified in the call drafted in consultation with the incumbent pastor(s), the Congregational Council, and the Bishop.

Section 10. Upon receiving a call to another ministry, the pastor shall consult with the Bishop and the chairperson of the Congregational Council before a decision is reached. The pastor shall inform the congregation and the Bishop of the decision on the call within thirty days of official notice. When a call has been accepted, the pastor shall normally terminate the ministry within two months.

ARTICLE VIII

CONGREGATIONAL MEETING

- Section 1. An annual meeting of the congregation shall be held on a date to be stated in the bylaws. Semi-annual or quarterly meetings may be held.
- Section 2. Special congregational meetings may be called by the Congregational Council and shall be called at the written request of one-tenth of the voting members. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- Section 3. Notice of all congregational meetings shall be given at the services of worship on the preceding two consecutive Sundays or by mail to all voting members at least ten days in advance of the date of the meeting. The pastor shall be notified of all regular and special meetings of the congregation.
- Section 4. A quorum shall be double the membership of the Congregational Council, plus one.
- Section 5. Proxy or absentee voting shall not be permitted in the transaction of any of the business of the congregation.
- Section 6. Bourinot's Rules of Order, latest edition, shall be the governing parliamentary law of the congregation, except as otherwise provided in the constitution and bylaws of the Evangelical Lutheran Church in Canada or in the constitution or its bylaws.

ARTICLE IX
CONGREGATIONAL COUNCIL AND ITS OFFICERS

- Section 1. At its annual meeting the congregation shall elect a Congregational Council of nine members for terms of three years each, with approximately one-third of the terms expiring annually. No member of the Congregational Council shall be eligible to serve more than two consecutive terms.
- Section 2. The pastor shall be an exofficio member of the Congregational Council and all its committees, and shall be notified of all regular or special meetings of the Congregational Council.
- Section 3. All elected members of the Congregational Council shall be installed by the pastor according to the prescribed order of the church, at the next public service following their election, or as soon thereafter as convenient.
- Section 4. At its first meeting following the annual meeting of the congregation, the Congregational Council shall elect from its own membership a chairperson, a vice-chairperson, and a secretary who shall be chairperson, vice-chairperson, and secretary of the congregation. The council shall also elect a treasurer and a financial secretary who need not be members of the Congregational Council.
- Section 5. The Congregational Council shall be the trustees of the congregation and shall have general oversight of the life and activities of the congregation ensuring that everything is done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in Canada. The Congregational Council shall exercise such authority as is delegated to it by this constitution, the bylaws, and the resolutions of the congregation.
- Section 6. A majority shall constitute the quorum for transacting the business of the Congregational Council.
- Section 7. If a vacancy occurs on the Congregational Council, the Council shall fill the vacancy until the next meeting of the congregation. Should the unexpired term be one year or less, it shall not be considered in determining the eligibility for succession.
- Section 8. A member of the Congregational Council who is absent from two consecutive regular meetings shall be contacted by the chairperson of the congregation. If the member is absent from three consecutive regular meetings without valid excuse, the council may declare the position vacant.
- Section 9. A special meeting may be called by the pastor, the chairperson, or any three members of the Congregational Council. Notice of such meeting shall be given not less than seven days prior to the meeting and shall be announced at a public service if one is held during that time.

ARTICLE X

DUTIES OF THE CONGREGATIONAL COUNCIL AND ITS OFFICERS

Section 1. The chairperson shall preside at all meetings of the council and of the congregation. The agenda shall be prepared in consultation with the pastor.

Section 2. The vice-chairperson shall preside at the meetings of the council and of the congregation in the absence of the chairperson.

Section 3. The secretary shall keep the minutes of the council and of the congregation in a volume provided by the congregation, which shall be permanently preserved in the congregational archives.

Section 4. The treasurer shall have custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decision of the congregation and of the council. The treasurer shall make monthly remittance of benevolence to the treasurer of the synod.

Section 5. The financial secretary shall maintain records of and issue receipts for all contributions.

Section 6. The treasurer and the financial secretary shall make a written report of all financial transactions to the council monthly and to the congregation with audit, at the annual meetings. All financial officers shall be bonded.

Section 7. The Congregational Council shall:

- a) Lead the congregation in stating its mission, in doing long-range planning, in setting goals and priorities, and in evaluating its activities in the light of its mission and goals;
- b) Seek to involve all members of the congregation in worship, learning, witness, service, and support;
- c) Provide support for the pastor(s) and other professional leaders, assist them to review and evaluate their ministry, and review annually their financial compensation making adequate adjustments;
- d) Exemplify for the congregation the life that is worthy of the high calling in Christ;
- e) Promote congregational unity and good will, fostering mutual understanding in times of conflict and exercising discipline, when necessary, under the provision of this constitution;

- f) Arrange for pastoral service during the sickness or absence of the pastor;
- g) Appoint or elect all staff, voluntary or salaried, for the effective administration of all aspects of parish life;
- h) Appoint such committees as may be necessary or advisable;
- i) Normally meet once a month;
- j) Be responsible for maintaining and protecting the property of the congregation;
- k) Prepare an annual budget for adoption by the congregation, supervise the expenditure of funds, and ensure that the financial affairs of the congregation are conducted efficiently;
- l) Ensure that the annual budget includes adequate support for the church at large and that regular monthly benevolence monies are forwarded; and
- m) Emphasize the partnership of the congregation with the synod and the Evangelical Lutheran Church in Canada and encourage support for the work of the church at large.

ARTICLE XI

AUXILIARIES AND ORGANIZATIONS

All auxiliaries and organizations within the congregation shall exist to aid it in ministering to its members and to all whom it can reach with the Gospel of Christ. Regular reports concerning the program and the work of these auxiliaries and organizations shall be made to the Congregational Council and the congregational meetings.

ARTICLE XII

BYLAWS AND AMENDMENTS

Section 1. Amendments to this constitution may be proposed by the Congregational Council and shall be proposed by the council at the request of five voting members. Such proposed amendments shall:

- a) Be read at two consecutive public services of the congregation or mailed to the voting members not less than thirty days before the meeting at which it is to be considered;
- b) Be approved with or without change by a majority vote;
- c) Be approved without further change at a second congregational meeting to be held no less than thirty days later by a two-thirds majority vote; and
- d) Become effective upon official notice and approval by the Synod Council.

Section 2. This congregation may adopt such bylaws, not in conflict with this constitution, as may be necessary. Such bylaws may be adopted or amended at any legally called and conducted meeting of the congregation by a two-thirds majority vote.

Section 3. The Confession of Faith, as stated in Article II, shall be that of the Evangelical Lutheran Church in Canada.

Section 4. If, in the judgement of the Synod Council, an amendment to the constitution or bylaws of the Evangelical Lutheran Church in Canada, to the Approved Constitution for Synods, or to the Approved Constitution for Congregations ought to entail related amendments of this constitution, receipt of an official communication to that effect from the secretary of the synod, enclosing a draft of the amendment recommended by the Synod Council, shall constitute proper proposal and notice thereof. Adoption of such amendment shall then be in order at the next following meeting of the congregation.

BYLAWS OF
ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA

BYLAW # 1.

A bylaw to establish the date and time of the Annual Meeting.

The Annual Meeting of St. John's Evangelical Lutheran Church of Petawawa shall be the last Sunday in January, or as close thereto as the Congregational Council deems possible, but no later than the last Sunday in March. The time that such meeting begins shall be at the discretion of the Congregational Council.

BYLAW # 2.

A bylaw establishing the outline for the Bulletin of Reports.

Prior to the Annual Meeting, the Congregational Council shall cause to be published and distributed, a Bulletin of Reports. This Bulletin of Reports shall contain the following:

- a) The minutes of the previous Annual Meeting and any Special Congregational Meetings,
- b) The Pastor's Report, which shall include a Statistical Summary of Parish events,
- c) A report from the Congregational Council,
- d) A report from the Congregational Treasurer,
- e) A report from the Financial Secretary,
- f) A budget for the next fiscal year,
- g) Reports from all Standing and Special Committees, Auxiliaries, and Organizations within the parish, and
- h) Other reports that the Congregational Council deems necessary.

BYLAW # 3.

A bylaw requiring 100% payment of budgeted benevolence with the distribution of additional funds in accord with the approved annual budget.

The Congregational Council shall distribute all incoming monies to meet 100% of its budget for benevolence and that any remaining monies be distributed in accord with the approved budget.

BYLAW # 4.

A bylaw regulating the spending authority of the Congregational Council outside of the approved budget.

It is recognized that certain expenses may arise that were not foreseen in the normal budget process. The Congregational Council is authorized to meet such expenses provided that it foresees a reasonable possibility of raising the necessary funds and two-thirds of its voting membership approves such action. Such authorization is limited to 5% of the total approved budget for any one year. Expenditures beyond this level require the approval of the congregation.

BYLAW # 5.

A bylaw to regulate the operation of the cemetery owned and operated by St. John's Evangelical Lutheran Church of Petawawa, Ontario.

**ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY
PETAWAWA, ONTARIO**

Preface

St. John's Evangelical Lutheran Church of Petawawa Cemetery is a non-profit religious cemetery owned and operated by St. John's Evangelical Lutheran Church of Petawawa. Hereinafter when reference is made to the "church", it is understood that this means St. John's Evangelical Lutheran Church of Petawawa.

The cemetery is operated primarily for the benefit of the members of the church but interment rights are sold to Lutherans belonging to other member churches of the Evangelical Lutheran Church in Canada at a somewhat higher cost and also to other members of the general public for still higher interment fees.

The cemetery is located adjacent to the church and is an integral part of the church property.

A. Administration

- 1) The management of the cemetery is entrusted to a Cemetery Committee appointed by the Congregational Council for a one year term. The Cemetery Committee shall consist of three members who decide amongst themselves the division of duties such as Chairperson, Secretary-Treasurer, and Maintenance Supervisor. One person may act in more than one capacity. The committee shall be responsible to the Congregational Council.
- 2) The committee will meet and consult with one another as the need arises.
- 3) The Secretary-Treasurer shall keep a record of monetary transactions, maintain documents, and conduct general correspondence.
- 4) The cemetery will be operated in accordance with the Cemeteries Act of 1992, as amended.

B. Sale of Interment Rights

- 1) Interment rights will only be sold at the time of death.
- 2) Interment plots will be assigned by the Cemetery Committee. The rows in the cemetery shall be filled consecutively. In the case of a married couple, the adjoining plot may be reserved for the spouse, to be sold as an interment right for

that spouse at the time of his or her demise. If an unmarried person is interred in the cemetery, the parents of the deceased may request the Cemetery Committee to reserve the adjoining two plots for themselves. This request is limited to parents who are members of this congregation at the time of the person's demise. This request will also be subject to the approval of the Congregational Council. (Jan. 29/95 Annual Mtg.)

- 3) Payment for interment rights is required prior to the opening of the grave. The cost of the interment rights shall be in accordance with the latest list of tariffs filed with the Ministry of Consumer and Corporate Relations of Ontario.
- 4) The Cemetery Committee shall provide, at the time of sale of the interment rights, the following three documents:
 - i) a copy of the contract,
 - ii) a certificate of interment rights, upon receipt of full payment, and
 - iii) a copy of the cemetery bylaws.
- 5) The deposit to the Care and Maintenance Fund shall be no less than the greater of \$150.00 or 40% of the cost of the interment rights.

C. Interments

- 1) Before an interment may take place, the funeral director must provide a burial permit showing that the death has been registered by the Division Registrar.
- 2) There will only be one interment per grave except in the case of cremated remains (ashes).
- 3) The cremated remains of up to six persons may be interred in a single grave.
- 4) Cremated remains may be interred on an existing grave. No interments may be made without the written permission of the interment rights holder.
- 5) Human remains must be in a coffin. Concrete or metal vaults are permitted. Wooden rough boxes are not permitted.
- 6) The top of the vault or coffin must be at least two feet (.61 m) below the surface of the ground.
- 7) Urns containing cremated human remains must be buried to a depth of 18 inches (45 cm).
- 8) As shown on the plan of the cemetery, adult grave plots are 3 feet wide by 9 feet long (0.91 m x 2.74 m) with a separation of 2 feet (0.61 m) between graves. Child and infant graves have the same width and separation but are only 7 feet (2.21 m) long.
- 9) New graves may be opened only with the permission of a member of the Cemetery Committee. A member or members of the Cemetery Committee will

stake the grave. In the event that a member of the Cemetery Committee is not available, these services may be provided through the Congregational Council.

- 10) Only Pastors approved by the Evangelical Lutheran Church in Canada may officiate at a Committal Service.
- 11) No burials will take place in the cemetery during winter closure, which will begin on Dec. 15th and end on April 15th. The Cemetery Committee is empowered to alter these dates, depending on snow and frost conditions in any given year. Should a dispute arise concerning the above, it shall be referred to the Congregational Council whose decision in the matter will be binding. Additional expenses incurred due to snow removal, opening the grave, and clean up in the spring, shall be borne by the person or persons requesting a winter burial.

D. Monument and Markers

- 1) Monuments and markers may be installed on grave sites only with the approval of the Cemetery Committee. The design and lettering on monuments are also subject to the approval of the Cemetery Committee. Should a dispute arise, it will be referred to the Congregational Council whose decision shall be binding.
- 2) There may only be one monument per grave. The monument must be placed at the head of the grave. No additional monuments or flat markers (such as “Mother”, “Father”, and initialized corner posts) may be placed at the sides, corners, ends, or anywhere else on the grave site. The maintenance of any such markers, which may have been placed in previous years, remains the sole responsibility of the deceased person’s family/descendants.
- 3) In place of a monument, a flat marker (also known as a plaque) may be used. Such marker will be placed at the head of the grave and may contain the same information normally put on a monument (ie name, dates).
- 4) In order that monuments and markers remain in a sound, upright position, both to maintain the appearance of the cemetery and so that they do not present a danger to the public, the following rules for installation will apply:
 - i) A concrete foundation is mandatory. The top of the foundation must be flush with the surrounding ground, extend a minimum of 4 feet (1.22 m) below the ground, and extend beyond the base of the monument by 3 inches (7.6 cm) on all sides.
 - ii) The maximum length of the granite base for a single grave is 3 feet (91.5 cm). The maximum length of the granite base for a double grave is 7.5 feet (228.6 cm).
- 5) If a monument becomes unstable or otherwise becomes a risk to the public, the Cemetery Committee will take whatever steps necessary to remove the risk.

- 6) As of July 1, 1992, according to the Revised Statutes of Ontario, anyone having a monument or marker placed on the cemetery must provide set amounts of money to be placed into a maintenance fund. The rates are as follows:
 - i) A flat marker measuring less than 173 square inches (1116.3 square centimetres), \$ 0.00.
 - ii) A flat marker measuring at least 173 square inches (1116.3 square centimetres), \$ 50.00.
 - iii) A monument not more than 4 feet (1.22 metres) in height and not more than 4 feet (1.22 metres) in length, \$ 100.00.
 - iv) A monument more than 4 feet (1.22 metres) in either height or length, \$200.00.
- 7) If a monument or flat marker is being installed to replace one that was damaged and cannot be repaired, the above maintenance fund rates are not applicable. There is no fee in this case.
- 8) Where the ashes of one or more deceased persons are added to an existing grave, it is desirable that the existing monument be modified to indicate the name(s) of those whose ashes are interred in that grave. This may be done by one of five methods:
 - i) If there is space, the monument may be inscribed with the name(s) of the deceased;
 - ii) The addition of a plaque on the monument; or
 - iii) Replacing the base with a slope front base inscribed with the name(s) of the deceased, whose ashes are interred in the grave.
 - iv) The addition of a plinth between the base and the monument; or
 - v) Inscribing the name(s) on the back of the existing monument.
- 9) Granite and marble are the only permitted monument materials.
- 10) Monuments installed without the permission and approval of the Cemetery Committee may be removed by said committee with the concurrence of the Congregational Council.
- 11) The Ontario Cemeteries Branch requires that the latest fee for Care and Maintenance be paid prior to the installation of a monument.

E. Care and Maintenance

- 1) The care and maintenance of the cemetery is the responsibility of the Cemetery Committee. Normally the person on the committee designated Maintenance Supervisor will supervise the care of the cemetery.
- 2) The Maintenance Supervisor will decide what maintenance is to be done each week, such as grass cutting, trimming, grave topping, and to this end may hire help on an "as needed" basis. Those hired to cut grass, etc., will be directed by the Maintenance Supervisor.
- 3) Except for funerals or Cemetery Decoration Day, only one floral tribute per grave will be permitted.
- 4) Floral tributes may be either real or artificial. Flowers and containers may not be anchored in the ground.
- 5) Withered or otherwise deteriorated floral tributes will be removed from the cemetery.
- 6) No shrubs or flowers may be planted on the cemetery by individuals on or around any of the graves.
- 7) The cemetery is always open to the public. The gates are closed but not locked. The public is asked to conduct themselves in a manner that preserves the dignity of the cemetery.
- 8) Refuse of any kind is not to be discarded on the cemetery.
- 9) Pets are not permitted on the cemetery.

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY

CONTRACT FOR PURCHASE OF
INTERMENT RIGHTS OF CEMETERY SERVICES
IN COMPLIANCE WITH
ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY
605 BLACK BAY ROAD
PETAWAWA, ONTARIO
K8H 2W8

BILL TO:

DEEDED TO:

DATE: DAY...../MONTH...../YEAR.....
BUSINESS PHONE.....HOME PHONE.....
DECEASED:.....
Place of Death:.....
Date of Death: DAY...../MONTH...../YEAR.....
Lot No.....
Funeral Director / Transfer Service.....

SERVICES / SUPPLIES

Lot.....
Care and Maintenance.....
Interment.....
TOTAL.....

It is agreed between the parties that this contract is subject to the Bylaws of St. John's Evangelical Lutheran Church of Petawawa Cemetery, and the purchaser hereby acknowledges receipt of a copy of the Bylaws of St. John's Evangelical Lutheran Church of Petawawa Cemetery and that the "Conditions of Contract" have been read and understood.

ORDERED BY:

(Signature of Purchaser)

.....

CEMETERY REPRESENTATIVE:

(Chairperson or Secretary Treasurer of the Cemetery Committee)

.....

**ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY
PETAWAWA, ONTARIO**

TARIFFS

	LOT DIMENSIONS	INTERMENT RIGHTS	CARE AND MAINTENANCE	TOTAL
A)	9 ft. x 3 ft.	\$ 0.00	\$ 150.00	\$ 150.00
B)	“ “	\$ 600.00	\$ 400.00	\$1000.00
C)	“ “	\$ 0.00	\$ 150.00	\$ 150.00
D)	“ “	\$ 100.00	\$ 150.00	\$ 250.00
E)	“ “	\$ 100.00	\$ 150.00	\$ 250.00

This is a description of the above categories:

- A) Members of St. John's Evangelical Lutheran Church of Petawawa.
- B) Non- Lutherans who are not married to members of St. John's Evangelical Lutheran Church of Petawawa.
- C) Dependent Children under the age of 21 years, who are not members of St. John's Evangelical Lutheran Church of Petawawa, but whose parents are members.
- D) Members, in good standing, of another Evangelical Lutheran Church In Canada congregation.
- E) Non-Lutherans who are married to members of St. John's Evangelical Lutheran Church of Petawawa.

There will be no fees, other than opening and closing fees, collected for ashes interred in an existing grave.

CONDITIONS OF CONTRACT

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY
AGREES WITH PURCHASER AS FOLLOWS:

1) The following amounts will be put into trust for care and maintenance:

Lot 40% of lot price or \$ 150.00, whichever is greater.

2) The following amounts will be put into trust for care and maintenance:

Flat marker at least 173 square inches \$ 50.00
Upright monument up to 4 ft. in height or width \$ 100.00
Upright monument over 4 ft. in height or width \$ 200.00

3) In exercising interment rights an interment order is required.

**ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA
CEMETERY
PETAWAWA, ONTARIO
CERTIFICATE OF INTERMENT RIGHTS**

Pursuant to The Cemeteries Act and Regulations and all amendments thereto

Between: St. John's Evangelical Lutheran Church of Petawawa Cemetery, a body licenced under the laws of the Province of Ontario, located in the Town of Petawawa, and hereinafter called St. John's Evangelical Lutheran Church of Petawawa Cemetery.

Party of the First Part

AND

Name:

Hereinafter called

Party of the Second Part

In consideration of the sum of dollars (\$), receipt of which is hereby acknowledged and which included the sum ofdollars (\$) for Care and Maintenance which is deposited with the Trustee, ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA CEMETERY, agrees to assign to the party of the Second Part, the burial rights on ST. JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA CEMETERY:

Lot No..... as shown on the approved plan of the cemetery.

Date of Purchase: Day...../Month...../Year.....

THE PARTY OF THE SECOND PART, by the acceptance of this indenture, indicates that the BYLAWS governing the operation of the cemetery have been received and read, and agrees to be guided by the said BYLAWS as well as the provisions of the Cemeteries Act, as if these were included as part of this indenture.

THE PARTY OF THE SECOND PART agrees that, in the event of transfer of said Interment right by the purchaser, this Certificate cannot be transferred but will be returned to THE PARTY OF THE FIRST PART who will issue a new certificate to the Transferee.

With respect to the erection or installation of monuments or markers, THE PARTY OF THE SECOND PART agrees to abide by the BYLAWS of St. John's Evangelical Lutheran Church of Petawawa Cemetery wherein restrictions on the erection or installation of monuments and markers are given, a copy of which is attached hereto.

IN WITNESS WHEREOF the proper signing authorities of the PARTY OF THE FIRST PART, St. John's Evangelical Lutheran Church of Petawawa Cemetery, have affixed their signatures on this day of the month of in the year of our Lord, two thousand and, and the PARTY OF THE SECOND PART has affixed his/her signature.

PARTY OF THE FIRST PART

ST JOHN'S EVANGELICAL LUTHERAN CHURCH OF PETAWAWA CEMETERY

PerCemetery Committee Chairperson

..... Cemetery Committee Secretary

PARTY OF THE SECOND PART

.....
.....

BYLAW # 6.

A by-law to establish a Lutheran Ministry Incentive Fund.

Preface

A Lutheran Ministry Incentive Fund is established to provide financial assistance to members of the congregation who desire to study for the Ministry.

A. Eligibility and Selection

- 1) Any member of the congregation who intends to study at an approved Seminary or similar institution for the purpose of becoming eligible to receive a call to the Lutheran Ministry, or other full-time vocation in the Lutheran Church may apply for assistance.
- 2) The Congregational Council shall receive such application and, after consultation with the governing body of the proposed Seminary or similar institution, shall have the power to grant such assistance as the Congregational Council in its sole discretion deems advisable, subject only to such maximum limit as may be imposed from time to time.
- 3) In the event that more than one successful applicant is approved at any time, the available funds shall be apportioned as the Congregational Council may in its sole discretion deem advisable.

B. Budget

- 1) The limit on funds which may be committed by the Congregational Council for this purpose is the sum of \$3,000.00 annually. Provided, on recommendation of the Congregational Council, the congregation may approve such greater limits as may seem appropriate having regard to the congregation's means.
- 2) In the event that the funds in the Lutheran Ministry Incentive Fund accumulate and exceed \$10,000.00, the Congregational Council may recommend to the congregation for its approval, that any amount up to 50% of the Fund be forwarded, as a donation, to the Waterloo Lutheran Seminary.

C. Conditions of Receipt

- 1) The assistance may be given only by way of a loan and the borrower must sign a promissory note requiring repayment five years after graduation, or forgiveness of payment if the borrower serves five years or more in the Ministry or similar church service.

Interest shall be charged at the rate of 3% per annum commencing from the date of graduation or from the date the borrower ceases full-time attendance at the institution. Such interest may be forgiven, annually, so long as the borrower commences and continues church service after graduation.

- 2) In the event that approval is given to forward a donation to the Waterloo Lutheran Seminary, as outlined in section (b) subsection (2) above, no conditions of receipt shall apply.

D. Fund – Congregational Council - Borrowing

“The Lutheran Ministry Incentive Fund of St. John’s Evangelical Lutheran Church, Petawawa, Ontario” is hereby established.

The Congregational Council shall actively solicit donations for the purpose of the Fund.

The Congregational Council may borrow up to \$1,000.00 per year for the purpose of the Fund, provided the Council is confident that donations will be made to the Fund in that year in a sum sufficient to repay such borrowing.

BYLAW # 7.

A bylaw concerning the election of delegates and alternates from its voting membership to any Conventions of the Synod and the National Church, as may be its right.

To ensure the Congregation is represented, the Congregational Council may appoint such delegate(s).

BYLAW # 8

A bylaw concerning bequests or similar financial donations to St. John’s Evangelical Lutheran Church in Petawawa.

Money received by St. John’s Lutheran Church in Petawawa through bequests or similar financial donations which are not specifically directed toward a particular designation, shall be invested by the Church Council in whatever manner will produce the most favourable, yet secure returns. Interest accrued from such investments may be made available, from time to time, for special projects at St. John’s, as approved by the Church Council.

The principal amount of such investments may be used in part or in whole, only with the recommendation of the Church Council and the approval of the congregation.

Further, bequests or similar financial donations which are specifically directed toward a particular designation must be approved by the Church Council. The Church Council will have the authority to approve such designation as declared, modify such designation, or reject the acceptance of such designation.

