

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040

BC RESOLUTION # 6-29-05-A

Adoption of Amendments to the Oneida Burial Ordinance

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the General Tribal Council; and
- WHEREAS,** the Oneida Burial Ordinance was adopted by passage of BC resolutions #9-2-88-A and #5-19-89-E to govern the burial of the Oneida Indians on the Oneida Indian Reservation; and
- WHEREAS,** under the Ordinance, the Oneida Tribal Cemetery Board is authorized to provide for improving, safeguarding and beautifying the cemetery as the final resting places for Oneida Indians by adopting such rules and regulations as necessary, which shall be approved by the Oneida Business Committee; and
- WHEREAS,** the Oneida Tribal Cemetery Board worked on amendments to the Ordinance with the Legislative Reference Office; and
- WHEREAS,** emergency amendments were adopted through passage of BC Resolution #2-23-05-F; and
- WHEREAS,** a public hearing was held for the permanent adoption of the amendments on April 19, 2005.

NOW THEREFORE BE IT RESOLVED, that the attached amendments to the Oneida Burial Ordinance are hereby adopted.

Certification

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 29th day of June, 2005; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

A handwritten signature in black ink, appearing to read "Julie Barton".

Julie Barton, Tribal Secretary
Oneida Business Committee

Chapter 75 Burial Law

Tsi? Lotiya?tata Olihwa?ke

The matters concerning when they bury the body

75.1	Purpose and Policy	75.7	Monuments / Flush Markers
75.2	Adoption, Amendment, Repeal	75.8	Plants
75.3	Definitions	75.9	Funeral Processions
75.4	Oneida Tribal Cemetery	75.10	Display of Flags and Banners
75.5	Oneida Tribal Cemetery Board	75.11	Prohibited Behavior on Cemetery Grounds
75.6	Burial Requirements		

75.1. Purpose and Policy

75.1-1. *Purpose.* The purpose of this law is to establish the Oneida Tribal Cemetery on the Oneida Reservation and to govern the sale of burial plots, burial eligibility and the maintenance of the grounds within the Cemetery.

75.1-2. *Policy.* It is the policy of the Oneida Tribe that all enrolled Tribal members, their spouses, their parents and their children may be buried in the Oneida Tribal Cemetery.

75.2. Adoption, Amendment, Repeal

75.2-1. This law was adopted by the Oneida Business Committee by resolution #BC-9-2-88-A and amended by resolutions BC-5-19-89-E and BC-6-29-05-A.

75.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

75.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

75.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this law.

75.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

75.3. Definitions

75.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Board" means the Oneida Tribal Cemetery Board.
- (b) "Children" means the natural, step and adopted children of an enrolled Tribal member, or children of a common law marriage where at least one spouse is an enrolled Tribal member.
- (c) "Heirs at law" means an individual who, after a relative dies without a will, has a right to inherit lands, property and belongings of the deceased.
- (d) "Spouse" means the husband or wife of a Tribal member. For purposes of this law only, this definition shall include a common law husband or wife of a Tribal member.
- (e) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.
- (f) "Vandalism" means the willful and unauthorized destruction or defacing of any land, monument, flush marker, tree, shrub, plant, building or other natural or artificial

structure on Cemetery grounds.

75.4. Oneida Tribal Cemetery

75.4-1. The Oneida Land Commission shall designate a parcel of land of not less than forty (40) acres to be used for the Cemetery.

75.4-2. *Location.* The Cemetery is located at the corner of County Trunk U and Adam Drive on the Oneida Nation Reservation.

75.4-3. *Eligibility for Burial in Cemetery.* Tribal members and their non-Oneida spouses, parents and children may be buried in the Cemetery.

- (a) *Repatriated Remains.* All human remains returned to the Tribe shall be the responsibility of the Board to re-bury in an appropriate location within the Cemetery.

75.4-4. *Eligibility for Plot Purchase.* The following persons may purchase burial plots:

- (a) Individual Tribal members.
- (b) Non-Oneida spouse of Tribal members may purchase plots for their Oneida spouses, their children and themselves.
- (c) Non-Oneida children of Tribal members may purchase burial plots for their Tribal member parent, their non-Oneida parent who is a spouse of a Tribal member, and for themselves.

75.4-5. *Ownership of Purchased Burial Plots.* Ownership of purchased burial plots descends through family, i.e. from a parent to child or other heirs at law, and may not be willed to non-family members.

75.4-6. *Cost of Plots.* All fees shall be paid prior to burial. The price of plots and services are as follows:

- (d) \$100.00 plot fee.
- (e) Plot opening, closing and marking fee's are subject to change and will be assessed at the time of burial.

75.4-7. *Resale of Plots.* Plots may only be resold to the Tribe through the Board. Plots resold to the Board shall be purchased at the original selling price.

75.5. Oneida Tribal Cemetery Board

75.5-1. *Establishment.* There shall be an Oneida Tribal Cemetery Board whose members shall be responsible for carrying out the provisions of this Law.

75.5-2. The Board shall consist of six (6) members who shall be appointed by the Oneida Business Committee according to the requirements of the Comprehensive Policy Governing Boards, Committees and Commissions. Each Board member shall hold a lifetime appointment and his or her term shall end only upon the following:

- (a) The submission of a letter of resignation.
- (b) Removal from office in accordance to Tribal law.
- (c) The death of a member.

75.5-3. *Duties and Responsibilities.*

- (a) A Board member shall meet with the kin or other interested party of a person permitted to be buried pursuant to this law whenever a plot or burial is requested.
- (b) The Board or its delegate shall be responsible to maintain vital statistics of the deceased and to report such information as may be required by the Tribe.
- (c) The Board or its delegate shall control the Cemetery and beautify the same, and may

establish regulations respecting it.

- (d) The Board or its delegate shall be responsible for the maintenance of the Cemetery including the improvement, safeguard and beautification of the grounds.

75.5-4. *Plotting.* The Board shall from time to time cause portions of land designed to be used for the Cemetery, to be surveyed and mapped into burial plots, drives and walks. Said recorded map shall be kept and maintained in the Oneida Land Office and at the Geographic Land Information System (GLIS) office. No such plot or map shall be recorded unless laid out and plotted to the satisfaction of the Board.

75.5-5. *Conveyance.* After the map is so recorded, the Board may sell and convey plotted plots, expressly restricting the use to burials and upon such other terms, conditions and restrictions as the Board directs.

75.5-6. *Use of Proceeds.* The proceeds of sales shall be used for the care and improvement of the cemetery and avenues leading thereto, and operating expenses.

75.6. Burial Requirements

75.6-1. Burials are permitted daily prior to 2:00 p.m. All burial orders must be presented to the Board at least twenty-four (24) hours before burial. A cement liner or vault is not required for the burial site, however if a cemetery liner or vault is purchased, the vault company is required to deliver and install it in the designated burial site. The Board does not provide pall bearers. Due to weather conditions it may be necessary to postpone burial side services and/or burial of the deceased temporarily. The final decision to postpone burial side services shall be made by the Board or their designee.

75.6-2. *Burial of Urns.* Each burial site may be used for a maximum of four (4) urns containing ashes of the deceased. All urns or other receptacles used for permanent burial must be of a durable or lasting material. Each additional opening of the plot will require a plot opening and closing fee as well as a marking fee.

75.7. Monuments / Flush Markers

75.7-1. Monuments and Flush Markers shall meet the following requirements:

- (a) Maximum monument height is thirty-six (36) inches from ground up, including base.
- (b) Minimum monument height is twenty-four (24) inches.
- (c) Maximum width of monument / flush marker is the width of the plot.
- (d) Thickness of the monument / flush marker is not to exceed sixteen (16) inches.
- (e) Face of the monument must face in the direction of the deceased's burial site.
- (f) No permanent monument that is susceptible to disintegration or corrosion will be permitted, i.e. wooden crosses, stuffed animals, balloons, metal, etc.

75.8. Plants

75.8-1. The planting of plants on or around burial sites shall comply with the following requirements:

- (a) Plants shall not be planted behind a monument.
- (b) By December 1st of each year, all burial pots and baskets, excluding artificial, will be removed by the Board or its designee.
- (c) Plants that exceed burial and/or plot dimensions will be removed by the Board or its designee.

- (d) The planting of vegetables at a burial site is prohibited.
- (e) The use of glass plant and flower containers at a burial site is prohibited.
- (f) Use of individual water systems is prohibited.
- (g) All flowers and plants and their containers shall be removed from individual burials and plots by the family when such flowers and plants and their containers have become unsightly and unattractive.
- (h) All winter baskets shall be removed on or before April 1st of each year.
- (i) Plants interfering with the maintenance of the cemetery shall be removed.
- (j) Donations may be accepted for the planting of trees providing the location and purpose shall be for the improvement of the cemetery as a whole as determined by the Board. The planting of trees at a burial site is prohibited.

75.9. Funeral Processions

75.9-1. Funeral processions on cemetery grounds shall be under the direction and control of the funeral director in accordance with the provisions of this Law.

75.10. Display of Flags and Banners

75.10-1. Flags or banners shall be removed by the Board or its designee when such flags become unsightly, are flown in a disrespectful manner or could reasonably incite violence, racial hatred or community unrest.

75.11. Prohibited Behavior on Cemetery Grounds

75.11-1. The following shall be prohibited on Cemetery grounds:

- (a) Travel off the roadways in a private vehicle.
- (b) Motorized unlicensed bikes and recreational vehicles.
- (c) Cats and dogs.
- (d) Barbecues and picnics.
- (e) Alcoholic beverages.
- (f) Except upon the Board's written approval for military and memorial services, possession and use of firearms.
- (g) Soliciting of business.
- (h) Persons on cemetery grounds after dusk.
- (i) Vandalism. Incidents of vandalism shall be reported to the appropriate law enforcement agency.
- (j) Jogging, recreational running, ball playing, roller skating or use of roller blades, bike riding, golfing and other related recreational activities.
- (k) Washing of automobiles or other vehicles.
- (l) Placing of fencing, curbing, enclosures, edgings, iron works, wire works, seats, posts, vigil lights and steps at individual burial sites or groups of burial sites. Nothing in this subsection shall prohibit the Board from providing for the improvement of the cemetery as a whole by installing any of the above mentioned structures.

End.

BC-9-2-88-A
 BC-5-19-89-E
 BC-6-29-05-A