

## Chapter 11. Natural Burial Grounds

### 8.1101 PURPOSE

The purpose of this Statute is to establish the law that governs lands set aside for Natural Burials.

(Source: WOS 2020-009, May 1, 2020, Section I)

### 8.1102 POLICY INTENTION

**A.** The Natural Burial Grounds are intended for natural burials. The intent of this Statute is to minimize the impact of burials on the planet. Thus, promoting environmentally conscience styles of burials where chemical preservatives are not used and only biodegradable materials are used for caskets and unobtrusive grave markers.

**B.** The Tribe encourages the use of markers that don't intrude on the landscape. These natural markers can include shrubs and trees, or an engraved flat stone native to the area. The planting of native trees, shrubs and flowers on or near the grave establishes a living memorial and helps form a wildlife area.

**C.** A Natural Burial Grounds is a green place with trees, grasses, and wildflowers, which in turn bring birds and other wildlife to the area.

**D.** The Natural Burial Grounds are a statement of personal values for many people who recognize the Circle of Life and that life is cyclical in nature.

(Source: WOS 2020-009, May 1, 2020, Section II)

### 8.1103 DEFINITIONS

**A.** "*Burial Right*" means a right of earth interment.

**B.** "*Embalming*" means a process for using preservatives in order to prevent decay of a body.

**C.** "*Natural Burial Ground*" means the land set aside for the specific purpose of natural burials.

**D.** “*Interment*” means the permanent disposition of the remains of a deceased person by cremation, inurnment, entombment or burial.

**E.** “*Plot*” means a space of sufficient size to accommodate an interment.

**F.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

**G.** “*Tribal Burial Board*” means the only legal entity that may sell and/or convey the exclusive right of burial on land owned by the Tribe.

**H.** “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.

**I.** “*Vault*” means a lined and sealed unit, generally made of cement, for placement of a casket to prevent the concave of earth after a period of time.

(Source: WOS 2020-009, May 1, 2020, Section III)

#### **8.1104 AUTHORIZATION OF BURIAL ARRANGEMENTS**

Burial arrangements shall only be authorized by a person designated in a written instrument signed by the decedent, if none designated then by a sworn statement attesting to the authority. Neither the Tribe nor the Tribal Burial Board shall be required to inquire into the truth of the statement in the sworn statement and shall not be held liable for any unauthorized activities.

(Source: WOS 2020-009, May 1, 2020, Section IV)

#### **8.1105 EMBALMING**

**A.** Embalming is not required for interment in the Natural Burial Grounds, except when the burial or cremation does not take place within 48 hours of death or if the deceased had certain communicable diseases.

**B.** The time period of 48 hours starts at the time of death of the deceased.

A. Embalming may be required if the deceased needs to be transported out-side of the Tribal Territorial jurisdiction.

(Source: WOS 2020-009, May 1, 2020, Section V)

### **8.1106 BURIALS**

No burial may take place until a Death Certificate has been issued.

(Source: WOS 2020-009, May 1, 2020, Section V)

### **8.1107 CASKETS OR CONTAINERS**

Neither a vault nor casket shall be allowed for a Natural Burial. Containers may be required provided that wooden burial containers or cultural containers are acceptable.

(Source: WOS 2020-009, May 1, 2020, Section VII)

### **8.1108 GRAVE MARKERS**

A. No permanent raised markers shall be allowed in the Natural Burial grounds.

B. Raised markers may be used if made of natural deteriorating items such as wood or other natural materials.

C. Permanent non-raised items may be used such as stone or granite markers.

D. Markers may be represented by small plants or shrubs or non-evasive flora.

E. Deteriorating decorations such as crepe paper-wreaths and other cultural objects may be allowed in the Natural Burial Grounds.

(Source: WOS 2020-009, May 1, 2020, Section VIII)

### **8.1109 ACTIVITIES AND CEREMONIES**

Tribal Ceremonies and activities that honor the deceased may be performed in the Natural Burial Grounds.

(Source: WOS 2020-009, May 1, 2020, Section IX)

#### **8.1110 BURIAL RECORDS**

A. A record shall be kept of all interments of which shall include:

1. Name of Deceased  
Place of death  
Name of Funeral Director, if any  
Place of interment  
Copy of Death Certificate

(Source: WOS 2020-009, May 1, 2020, Section X)

#### **8.1111 SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2020-009, May 1, 2020, Section XI)

#### **8.1112 EFFECTIVE DATE**

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.

(Source: WOS 2020-009, May 1, 2020, Section XII)