

**ciipayahkionki**  
**Myaamia Heritage Cemetery**  
**MIAMI TRIBE OF OKLAHOMA**  
**CEMETERY RULES AND REGULATIONS**

**Scope:** For the mutual protection of lot owners, and the Cemetery as a whole, the following rules, regulations, and monument work specifications have been adopted by the Miami Tribe of Oklahoma Cemetery Board as the rules, regulations, and monument work specifications of the Miami Tribe of Oklahoma, ciipayahkionki – Myaamia Heritage Cemetery and all lot owners and visitors within the cemetery, and all lots assigned, shall be subject to said rules, regulations, and specifications. And subject further, to such other rules, regulations, amendments, or alterations as shall be adopted by the Cemetery Board from time to time and to these rules, regulations and specifications in the certificate of ownership to a lot or plot shall have the same force as if set forth in full therein.

The Miami Tribe of Oklahoma, ciipayahkionki – Myaamia Heritage Cemetery shall be overseen by the Cemetery Board composed of three (3) person appointed by the chief with the advice and consent of the Tribal Business Committee, expressed by resolution, and shall be managed by the Cemetery Manager, who shall also serve as the chair of the Board. The board and manager shall be Tribal members.

**SECTION I – DEFINITIONS:**

**Rule 1. Cemetery:** The term Cemetery is hereby defined to include a burial park for earth internments, for vault or casket interments, wood burial container, or a combination of one or more thereof.

**Rule 2. PLOT:** The term plot shall apply to a space of sufficient size to accommodate one adult internment – Approximately five by ten feet.

**Rule 3. INTERNMENT:** The term internment shall mean the permanent disposition of the remains of a deceased person by cremation, inurnment, entombment or burial.

**Rule 4. HEADSTONE:** The term headstone shall include a tombstone or headstone of granite or marble which shall extend above the surface of the ground.

**Rule 5. MARKER:** The term marker means a headstone flush with the ground.

**Rule 6. ASSIGNEE:** The term Assignee shall mean any Tribal member, their spouse, or adopted children.

**Rule 7. PLOT:** The term Plot shall refer to a single 5X10 foot burial plot or space.

**Rule 8. MANAGEMENT:** The term Management shall apply to the person or persons duly appointed by the Miami Tribe of Oklahoma, for the purpose of conducting and administering the Cemetery.

**Rule 9. CEMETERY OFFICE.** The term Cemetery Office shall mean the main office for the ciipayahkionki – Myaamia Heritage Cemetery as maintained in the Miami Tribe’s Office of Vital Records.

## **SECTION II – GENERAL RULES:**

The Miami Tribe of Oklahoma Cemetery Board is an administrative organization appointed by the Business Committee and duly organized and existing under the laws of the Miami Tribe of Oklahoma. The Miami Tribe owns and operates the ciipayahkionki – Myaamia Heritage Cemetery in accordance with the laws of the Miami Tribe of Oklahoma. The Tribe reserves the right to refuse admission to the Cemetery and to refuse the use of any of the facilities of the Cemetery at any time to any person or persons whom the management may deem objectionable to the best interests of the Cemetery.

Rule 1. The Cemetery shall be open to Tribal members and their spouses during all daylight hours, and obtain access after hours by appointment with the Cemetery Manager. The Cemetery will be open to the public by request of the Cemetery Manager.

Rule 2. Non-working holidays for the Nation and Cemetery staff, include New Year’s Day, Little Tuttle Day, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Indian Day, Miami Removal Day, Veterans’ Day, Thanksgiving Day, Day following Thanksgiving Day, Christmas Eve and Christmas Day.

Rule 3. Employees of the Cemetery are not permitted to do any work for Plot owners or visitors except upon orders of the Management, and they are required to be civil and courteous to everyone entering the Cemetery.

Rule 4. Cemetery Plots are supplied to any eligible assignee which shall be a Tribal member, their spouse or any adopted children, at no charge. The family of the deceased is responsible for arranging the opening and closing of a grave and are responsible for any related expenses. The family of the deceased must obtain a burial permit from the Cemetery Office prior to opening the grave. Local backhoe services are listed in the telephone directories. A family may hand dig a grave(s) but must abide by the rules of length, width, and depth and must seek the approval of the Cemetery Manager in advance to make certain the grave conforms to requirements.

Cemetery Plot Assignments: All Tribal members may choose plots for themselves, Spouse and minor children. At the time the plots are reserved, they must declare who will lie in each of the plots they have chosen. Within six months of when a minor child reaches the age of eighteen, they must notify the Tribe, in writing, if they wish to keep the plot that was previously chosen for them. If they do not wish to keep the plot, it will revert back to the tribe. Any non-member/s who are the parent/s of an adopted Miami child may choose plot/s for the child and themselves.

Rule 5. Persons within the Cemetery shall only use the driveways and the walking paths. It is requested that on one walk upon or across plots while on the Cemetery's premises. The Cemetery expressly disclaims liability for any injuries sustained by anyone visiting the cemetery.

Rule 6. All persons are strictly prohibited from picking flowers (wild or cultivated), breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or injuring any monument, fence or other structure within the Cemetery grounds.

Rule 7. The cemetery road entering and circling the arbor is for the hearse and family cars, or vehicles carrying elders or disabled individuals. All visitors are requested to park in the area designated outside the cemetery boundary. Motor cars and vehicles must be kept under complete control at all times. Motor cars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat. No horns sounded within the Cemetery.

Rule 8. The following is prohibited:

- a. Driving motor cars or other vehicles through the gates, or in the Cemetery, at excessive speeds.
- b. Driving any motor car, vehicle, or animal across or upon any grave, plot, lawn or parking or leaving the same thereon.
- c. Firearms; No one shall bring, display or discharge any firearms (including black powder) on the cemetery grounds. Firearms are permitted for military escort accompanying a Veteran's funeral or attending a memorial service, police officers and the cemetery staff, which make use of, to stop and rid animals from digging into grave site, causing damage to the grounds or threatening harm and/or injury.

Rule 9. No bicycles or motorcycles will be admitted to the Cemetery except such as may be in attendance at funerals or on business.

Rule 10. Children under fifteen years of age are not permitted within the Cemetery, or its buildings, unless accompanied by proper persons to take care of them.

Rule 11. The permanent arbor constructed in the center of the cemetery is for specific use by tribal members for any need associated with the cemetery including

funerals, memorial gatherings, and cemetery visits and should be used respectfully at all times. Tribal members desiring to use the arbor for funeral services must schedule the arbor for this purpose with the Cemetery Manager to guarantee availability. Smoking is allowed, however, care must be given to avoid damage to the arbor roof, flowers, scrubs, etc and there shall be no dumping of ashes on or near the arbor. Open burning is banned from any part of the cemetery grounds, with the exception of burning done by the cemetery staff in maintaining and clearing the grounds.

Rule 12. Placing or significant objects upon graves is permissible, however removal of other than natural items – tobacco, cedar boughs, corn stalks, sweet grass braids, bundles of plants/herbs, etc., will be the responsibility of the family. Items, other than natural, that is left until such are ruined by the elements or interfere with the care and/or maintenance of the grounds will be removed and disposed of by the Cemetery Manager.

Rule 13. It is of the utmost importance that there shall be strict observance of the proprieties in the Cemetery. Hence, all persons within the Cemetery shall avoid conduct unbecoming a sacred place and observe the following:

- a. kwihsitawi: visitors will be Respectful at all times;
- b. visitors will exhibit proper conduct at all times;

Rule 14. It is the duty of the Management to see that the Rules and Regulations are complied with, and it is his duty to see that order is maintained, and to protect and promote the best interests of the Cemetery. To that end, he is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and regulations.

Rule 15. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Board, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these Rules and Regulations, without notice, when in the judgment of the Management such action appears necessary; and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

Rule 16. The Cemetery Board hereby expressly reserves the right to adopt additional Rules and Regulations, or to amend, alter, or repeal any rule, regulation, article, section, paragraph, or sentence in the Rules and Regulations, at any time, and without notice.

### **SECTION III – PLOTS AND PLOTS ASSIGNEES:**

Rule 1. Persons desiring to apply for plots assignments should visit the Miami Tribal Headquarters, Office of Vital Records where the Management will aid them in making a selection and will issue the appropriate documentation describing the plot/s reserved.

Rule 2. Plot size will be approximately five by ten feet. A single plot may be subdivided in the following manner only:

- a. division of one plot into two plots for burial of two cremated individuals;
- b. division of one plot into two plots for burial of infants.

Rule 3. No plot shall be used for any purpose than for the burial of the human dead.

Rule 4. No easement of right of internment is granted to any plot assignee in any road, drive, alley, or walk within the Cemetery but such road, drive, alley or walk may be used as a means of access to the Cemetery or buildings, as long as Management devotes it to that purpose.

Rule 5. The right to enlarge, reduce, replant, or change the boundaries or grading of the Cemetery, or a section or sections thereof, from time to time, including the right to modify or change the locations of, or remove or re-grade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain, and operate, or later or change pipelines of gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as the right to use Cemetery property, not assigned to an individual, for cemetery purposes, including internment of the dead, or for anything necessary, incidental or convenient thereto. The Cemetery Management reserves to itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over plots for the purpose of passing to and from other plots.

Rule 6. Description of plots will be kept on file in the Office of Vital Records for the Miami Tribe of Oklahoma.

Rule 7. No plots shall be filled above the established grade level.

Rule 8. The Management will take all reasonable precautions to protect plot assignees and the rights of plot assignees within the Cemetery from loss or damage, but the Cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, 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. As this cemetery is located on Tribal Trust Land it is under the protection of the Miami Tribal Police and Court, and Bureau of Indian Affairs. Any violation of the Tribal or Federal Law will be tried according to appropriate jurisdiction per violation.

Rule 9. It is the duty of the plot assignees to notify the Management of any change in his Post Office address.

The instrument of conveyance of these Rules and Regulations, and any amendments thereto, constitute the sole agreement between the Cemetery Management and the plot assignee. The statement of any employee or agent unless confirmed in writing by the Management, shall in no way bind the Cemetery Management.

#### **SECTION IV – CARE OF PLOTS:**

Rule 1. The general care assumed by the Cemetery Management includes the cutting and sprinkling of the grass at reasonable intervals, the raking and cleaning of the grounds and the pruning of shrubs and trees that may be placed by the Management.

Rule 2. The general care assumed by the Cemetery Management shall in no case mean the maintenance, repair, or replacement of any monument, placed on the plots; nor the doing of any special or unusual work in the Cemetery, including work caused by the impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work on any plot; or any portion thereof, in the Cemetery – caused by the elements, and act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Rule 3. Plot assignees desiring to care for their plots themselves may arrange to do so by submitting such desire by letter to the Cemetery Management. Plot care by assignees must meet Cemetery standards. Cemetery Management reserves the right to notify plot assignees of any unkempt plot and any such notification will then be followed by resumed maintenance care by the Cemetery Management.

#### **SECTION V – CORRECTION OF ERRORS:**

Rule 1. The Cemetery Management reserves, and shall have, the right to correct any errors that may be made by it – either in making internments, disinterment, or removals, or in the description, in lieu thereof for other internment plot and similar location as far as possible, or as may be selected by the Management. In the event such error shall involve the internment of the remains of any person in such property, the Cemetery Management reserves and shall have, the right to remove or transfer such remains to a plot in a similar location.

#### **SECTION VI – INTERMENTS:**

Rule 1. Burials may take place on any day and time that the family so chooses, and/or when the family is able to arrange for the opening and closing of the grave by a recognized backhoe operator (experienced in grave digging) or thru the funeral service as approved by the cemetery manager. The Cemetery Manager must be contacted and present for every grave opening/burial. Graves opened must be closed on the same day during daylight hours. The Miami Tribe of Oklahoma or the Cemetery Board is not responsible for opening graves.

Rule 2. All funerals, on entering the Cemetery, shall be under the charge of the Cemetery Management, who shall be present.

Rule 3. 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 to touch the body without the consent of the legal representative of the deceased or by an order signed by a court of competent jurisdiction.

Rule 4. All orders for internments must be signed by the plot assignee or his legal representative. However, when this is impossible because such person is absent or does not exist, the Business Committee of the Miami Tribe of Oklahoma may appoint an interment representative for the purpose of burial in the Cemetery.

Rule 5. Plot assignee shall not allow internments in their plots in return of remuneration of any kind.

Rule 6. No interment of two or more bodies shall be made in one grave except in the following:

- a. two urns holding ashes of cremated individuals;
- b. division of one plot for separate burial of two infants or a single burial of one casket with two infants;
- c. a single casket with a mother and child or father and child.

Rule 7. The Cemetery shall allow for disinterment only by order of a Court of competent jurisdiction through a certified copy of such order filed with Management. Then Cemetery shall not be responsible for performing the disinterment and /or shall not be responsible for any costs associated with disinterment.

Rule 8. Burial depth of human remains shall be as follows:

- a. casket burial with a liner/vault, 6 feet deep;
- b. casket burial without a liner/vault, 9 feet deep;
- c. other container (cedar box, urn, etc), 36" of earth on top of container;
- d. traditional burials must receive approval from the Cemetery Board prior to interment. (If approved non casket burials must be 12 feet deep.)

Rule 9. The Family of the deceased is responsible for all charges related to a burial. The Miami Tribe of Oklahoma provides a burial plot to all Tribal members, and to the spouse or adopted children of a Tribal Member.

Rule 10. Arrangements for the payment of any and all indebtedness due the Cemetery, or a plot assignee, due to damage to the cemetery, other plots, headstone, monuments, etc which occur during an interment/burial must be made within 30 days of damage assessment report. Arrangements should be made through the Cemetery Manager or Clerk in the Office of Vital Records.

Rule 11. No burial will take place without validation of plot assignment.

Rule 12. The right is reserved by the Cemetery Management it insist upon at least 12 hours notice prior to any interment, and at least one week's notice prior to any disinterment or removal.

Rule 13. Besides being subject to the Rules and Regulations, all interments, disinterment or removals are subject to the orders and laws of the properly constituted Tribal authorities.

Rule 14. The Cemetery Management will not be responsible for any order given by telephone, or for any mistake occurring from lack of precise and proper instructions as to the particular plot, or location of plot where interment is desired.

Rule 15. The Cemetery Management will not be responsible or liable for the interment permit nor for the identity of the person sought to be interred.

## **SECTION VII – PLANTS AND SHRUBS:**

Rule 1. The Cemetery Management will undertake to maintain, as may be practicable, the planning of flowers, trees and shrubs, to preserve maintain landscape features.

Rule 2. There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission of the Miami Tribe of Oklahoma's Cemetery Board. Application must be submitted in conjunction with Assignee's desire to care for plot (Section IV, Rule 3) and shall be accompanied by a scaled sketch of the proposed planting, indicating the position and the manes of the plants suggested, with a plan for the care of the plot and plants,

Rule 3. Decorating of graves is allowed. Decorations will be left a reasonable amount of time then removed and disposed of at the discretion of Cemetery Management. Cemetery Management is not responsible for the accepting delivery or placement of flowers or decorations.

Rule 4. The digging of holes, mutilating, or disturbing the turf upon any plot is strictly prohibited without the written permission of the Cemetery Manager.

Rule 5. The Management shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon, in the judgment of the Management, they have become unsightly, dangerous, detrimental, diseased, or when they do not conform to the standard maintained.

Rule 6. The Cemetery Management shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for Cemetery services held in the Cemetery.

Rule 7. The Management shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control.

Rule 8. The Cemetery Management reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the Management gives consent.

#### **SECTION VIII – SPECIFICATIONS FOR HEADSTONES:**

Headstones and Markers shall be made of rock, concrete, granite, bronze or any other weather proof material. All headstones or markers must have a proper concrete base. (Due to the softness of the cemetery soil.) These bases must have the prior approval of cemetery management. *All headstone and marker installations must be done under the supervision of cemetery management.*

Rule 1. Headstones and markers must be of the standard granite or marble material.

Plot owner must have prior approval from cemetery management to place headstone or marker of any other material.

Rule 2. Markers may lie at ground level however markers lying above ground must have a concrete base.

Rule 3. Headstone and Marker bases: All bases will not exceed the width of the plot and the length will not exceed 4'10" and a width of no more than 3', with the exception of spouses who have a common headstone. A spouses headstone will not exceed 8' in length or 3' in width. All headstones or markers shall lie at the head of the grave which is the west end. No headstone or marker may exceed 4' in height.

Rule 4. No permanent grave blankets will be allowed.

#### **SECTION IX - miikhweelimaahkaawi PARK:**

**“We must remember them”**

The Cemetery Management has established the miikhweelimaahkaawi Park, a Park of remembrance. The miikhweelimaahkaawi Park is located just east of the Old Cemetery that sits on the east side of the drive entering the Cemetery from East 30<sup>th</sup> road. The purpose of the Park is to establish a location where we can remember those who have

gone on and are buried at other locations. The Park has been constructed in a circle, with a small arbor in the center of the Park.

The remembrance shall be done with headstones, set in circles around the arbor.

Rule 1. The remembrance headstones shall be one x two (1x2) feet upright granite or marble stone.

Rule 2. The headstones will have the individual's name (Myaamia name is optional), year of birth and year of death (if known), location where individual was buried.

Rule 3. To have a headstone set for a deceased Myaamia, contract the Cemetery Clerk or download the order form for the headstone from the Tribal website. As **ALL HEADSTONES SHALL BE ORDERED THRU THE CEMETERY OFFICE AND NO OTHER HEADSTONES WILL BE ALLOWED.** The cost of the headstones is \$150.00 at this time and is subject to change.

Rule 4. All remembrance headstones shall be set by Cemetery Personnel in the order they are received, to insure proper settings in a uniform and balanced matter. If a family wants more than one headstone set together, all headstones must be ordered at the same time.

Rule 5. Small items and flowers may be placed on the headstones, but not exceed the dimensions of the headstone.

Rule 6. See section III Rule 8

Rule 7. See section II Rule 12

## **SECTION X – ENFORCEMENT OF RULES, REGULATIONS, AND SPECIFICATIONS:**

The Cemetery Management is hereby empowered to enforce all Rules, Regulations and Specifications and to exclude from the Cemetery any person or persons violating the same. The Cemetery Management shall have charge of the grounds and buildings, including the conduct of funeral, traffic, employee, plot assignees, and visitors, and, at all times, shall have supervision and control of all persons within the Cemetery.

## **SECTION XI- REPATRIATION**

Contact Miami Tribe of Oklahoma Cultural Resource Office.

