

**TITLE V PUBLIC ORDER, SAFETY AND HEALTH**

**CHAPTER 15 REGULATION OF THE BURIAL OF HUMAN REMAINS OUTSIDE OF CEMETERIES WITHIN CLINTON COUNTY, IOWA**

5-15-1	Purpose	5-15-3	General Requirements
5-15-2	Definitions	5-15-4	Penalty for Violation

5-15-1 PURPOSE. The purpose of this ordinance is to provide for the regulation of burials of human remains when this burial is not within an established cemetery as defined by Iowa Code 5231. This Iowa Code section may require Clinton County to be responsible for preservation and protection of such burial sites and it is therefore in the interest of Clinton County to regulate this activity.

5-15-2 DEFINITIONS. Words used in this Ordinance shall have the same definitions as those provided in Iowa Code 5231.102.

5-15-3 GENERAL REQUIREMENTS. Burials not in a cemetery as defined in Iowa Code 5231.102(6) are prohibited unless the following conditions are met:

1. A written Agreement is made by the owner of the property on which the burial is to occur accepting responsibility for the preservation and protections of the burial site in perpetuity. Proof of ownership or control of the burial site shall be provided.
2. The Agreement shall be approved as to form by the Clinton County Attorney.
3. The Agreement shall state that Clinton County shall not in the future be held responsible for preservation or protection of the burial site.
4. The Agreement shall include a map showing the location of the burial site.
5. The Agreement shall include a binding plan for preservation and protection of the burial site.
6. Each Agreement shall be approved by action of the Clinton County Board of Supervisors.
7. Each Agreement shall be recorded in the office of the Clinton County Recorder as an easement for use of the land as a burial site.

5-15-4 PENALTY FOR VIOLATION. Failure to comply with any provision of this ordinance shall be declared unlawful.

1. Injunction and Abatement. The County, through its authorized agents, may initiate

injunction or abatement proceedings or other appropriate action in the Court of competent jurisdiction against any person who fails to comply with any provision of this ordinance. The County may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation.

(Ord. 2009-12, Passed December 7, 2009)