

**CHAPTER 67**  
**PRIVATE BURIALS**

67.01 Purpose

67.02 Definitions

67.03 General Requirements

67.04 Penalty for Violation

67.05 Severability

**67.01 PURPOSE.** The purpose of this chapter is to provide for the regulation of burials of human remains when the burial is not within an established cemetery as defined by Chapter 523I of the Code of Iowa. Because that chapter may require the County to be responsible for the preservation and protection of such burial sites, it is in the interest of the County to regulate this activity.

**67.02 DEFINITIONS.** Words used in this chapter shall have the same definitions as those provided in Section 523I.102 of the Code of Iowa.

*(Code of Iowa, Sec. 523I.102)*

**67.03 GENERAL REQUIREMENTS.** Burials not in a cemetery as defined in Section 523I.102(6) of the Code of Iowa are prohibited unless all of 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 protection 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 County Attorney.
3. The agreement shall state that the County shall not in the future be held responsible for the 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 the preservation and protection of the burial site.
6. Each agreement shall be approved by action of the Sac County Board of Supervisors.
7. Each agreement shall be recorded in the office of the County Recorder as an easement for use of the land as a burial site.

**67.04 PENALTY FOR VIOLATION.** Failure to comply with any provision of this chapter is unlawful. The County, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who fails to comply with any provision of this chapter. 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.

**67.05 SEVERABILITY.** If any section, provision, or other part of this chapter is adjudged invalid or unconstitutional, such adjudication does not affect the validity of the chapter as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.