

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 8A

PIONEER CEMETERIES

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SECTION 1. PURPOSE. The purpose of this ordinance is to assume jurisdiction and control of pioneer cemeteries pursuant to Iowa Law, particularly section 331.325 of the Iowa Code as may hereafter be amended. As used in this section, "Pioneer Cemetery" means a cemetery as defined in section 331.325 of the Iowa Code, presently, "where there have been twelve or fewer burials in the preceding fifty years" or as may be subsequently amended. Upon passage of this ordinance, the Dallas County Board of Supervisors assumes jurisdiction and control of such cemeteries pursuant to Section 4 hereof.

SECTION 2. EXPENSES. The maintenance and repair expenses of pioneer cemeteries shall be paid from the County General Fund.

SECTION 3. SCOPE OF SERVICES. Maintenance and Restoration.

- a. Minimum Requirements. The County shall ensure that the weeds are controlled in Pioneer Cemeteries.
- b. Security and Protection. The County shall provide for security and protection as necessary to restore or maintain the pioneer cemetery's physical integrity as a cemetery or burial site.
- c. Restoration. The maintenance and improvement program for a pioneer cemetery may include additional restoration and management of native prairie grasses and wildflowers.

SECTION 4. EXERCISE OF JURISDICTION AND CONTROL For maintenance and restoration of Pioneer Cemeteries within the County. The County Board of Supervisors retains direct management of cemeteries identified to them as Pioneer Cemeteries as herein set forth.

- a. Annual Notice. Each Board of Trustees of Townships within Dallas County shall notify the Board of Supervisors of such cemeteries that may be found within the geographical boundaries of such township for which the township seeks to transfer jurisdiction and control over such cemetery to the Board of Supervisors pursuant to the definition of "Pioneer Cemetery." The notice shall be in writing, submitted to the Board of Supervisors annually, with the annual statement of Receipts and Expenditures of the Township submitted pursuant

to section 359.23 of the Iowa Code not later than September 30 of each calendar year. The notice shall specify the name of each such cemetery, the location of such cemetery, and further specify the dates of known burials relevant to the definition of "Pioneer Cemetery". The notice shall further provide whether there are any burial plots for which a fee has been paid, but the plot not used, as may be known to the Township Trustees. The annual list shall be cumulative, each year listing all of the cemeteries within the Township which the Township submits to the Board of Supervisors as a "Pioneer Cemetery". Township removal of a cemetery from such annual list shall revert such cemetery to Township jurisdiction and control, removing it from County jurisdiction and control.

- b. The Board of Supervisors, following receipt of such notice shall annually, by motion in a regular proceeding, accept jurisdiction and control of such listed cemeteries. The acceptance of jurisdiction and control shall be a part of the County budget process. Therewith the County shall budget for maintenance of such cemeteries. The County may further budget for restoration of such cemeteries. The County shall so annually update the list of "Pioneer Cemeteries" within the scope of this ordinance. The list shall be maintained by the Dallas County Auditor.
- c. Cemeteries that may meet the definition of the Iowa Code, but which have not been referred to County jurisdiction and control as set forth herein do not fall within the scope of this ordinance. Therewith, Township Trustees or other responsible parties remain responsible for the maintenance and restoration of such cemeteries.
- d. The Board may enter into agreements with Township Boards of Trustees or other public or private entities for performance of maintenance and restoration of Pioneer Cemeteries under the jurisdiction of the Board of Supervisors.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. CHANGES AND AMENDMENTS. This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective after its final passage, approval and publication as provided by law.