

**ORDINANCE NO. 3543**

AN ORDINANCE OF THE CITY OF IOLA, KANSAS ADDING NEW SECTION 121 TO CHAPTER XII, ARTICLE I OF THE CODE OF THE CITY OF IOLA, KANSAS PERTAINING TO DISINTERMENT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IOLA, KANSAS:

**Section 12-121. Disinterment Requests and Procedures.**

- (a) Requests for disinterment of an individual interred or inurned at any cemetery owned by the City must be submitted in writing to the City on authorized forms, pursuant to this Section.
- (b) Disinterment will only be approved if:
  - (1) All living heirs at law of the decedent and the person who initiated the interment, if living (whether or not an heir at law), give their written consent;  
or
  - (2) Pursuant to a court order of competent jurisdiction directing the disinterment.
  - (3) "Heirs at law" are defined as surviving spouse, even if remarried, all children of the decedent and the issue of any predeceased children of the decedent. In the event any individual required to consent herein is a minor or not legally competent, the legal guardian, agent under an appropriate durable power of attorney or court appointed representative shall be required to consent in writing. In the absence of a surviving spouse or children, the decedent's living parents will be considered "heirs at law."
- (c) All disinterment will be without expense to the City and all fees for a disinterment charged by the City are due before a disinterment will be scheduled. Fees will be set from time to time by Resolution of the governing body. A request must include the following requirements:
  - (1) A description of the disinterment including relocation plans for the remains.
  - (2) A notarized statement from all heirs at law and the person who initiated the interment, if living, affirmatively stating no objection to the proposed disinterment and relocation plan. If the statement is signed by an authorized representative of a minor or legally incompetent party, acceptable documents must be provided demonstrating the agency (e.g. copy of power of attorney, letters of guardian/conservatorship, etc.).
  - (3) An affidavit of heirship attesting that those persons who provided statements are indeed the only living heirs at law of the interred decedent.



(First Published in The Iola Register, \_\_\_\_\_, 2025)

## **ORDINANCE NO. 3543 SUMMARY**

On September 08, 2025, the City of Iola, Kansas, adopted Ordinance 3543, incorporating by reference the Disinterment Requests and Procedures with certain additions, amendments, and deletions thereto. The purpose of this ordinance is to provide for the disinterment requests and procedures within the jurisdiction of the City of Iola, Kansas. A complete copy of this ordinance is available at City Hall, 2 W. Jackson, Iola, Kansas, or may be viewed on the City's website at [www.cityofiola.com](http://www.cityofiola.com). This summary has been certified by Chase Vaughn, Iola City Attorney.



(4) In lieu of the documents required listed above, an order of a court of competent jurisdiction will be accepted. The City of Iola or officials of the cemetery should not be made a party to the court action.

(d) No disinterment shall be performed in the cemetery except by the Cemetery Sexton, or under the Sexton's supervision. Cemetery Staff shall only be responsible for removing the soil from the grave. A Kansas licensed funeral director ("Director") must be present throughout the disinterment and work will not begin without a Director present and shall cease if the Director leaves. The selected Director shall be responsible for removing and transporting the casket/vault/urn and all remains from the burial site. In the case of traditional casket burial, a vault company shall also be present with an additional vault should the original vault be damaged for reburial in the cemetery. No damaged or structurally unsound vaults will be reinterred in the Cemetery. In the case of an urn, a vault company is not required; however, an additional intact vessel shall be present should the original vessel be damaged for reburial in the cemetery. As a condition of approval, all parties must agree that the City shall not be liable for any damages incurred during the removal or placement of the disinterred vault.

(e) No disinterment shall be performed two (2) weeks before Memorial Day, nor shall any be performed on Saturdays, Sundays, or any City observed Holidays. The City must be notified at least one (1) week before the disinterment and all disinterment fees due to the City must be paid prior to scheduling the opening. The Cemetery Sexton reserves the right to postpone and reschedule any disinterment due to weather on any other unforeseeable events.

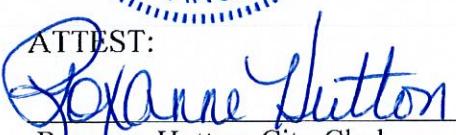
PASSED by the governing body this 8<sup>th</sup> day of September, 2025.



CITY OF IOLA, KANSAS

  
Steven French, Mayor

ATTEST:

  
Roxanne Hutton, City Clerk

