ORS Chapter 97 — Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts

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CEMETERIES, HUMAN BODIES AND ANATOMICAL GIFTS

PROPERTY RIGHTS AND TRANSACTIONS

DEDICATION TO CEMETERY PURPOSES; PLATTINGS

ORS 97.440 Removal of dedication. (1) **Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes until the dedication is removed from all or any part of it by an order and decree of the county court or board of county commissioners of the county in which the property is situated in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court that** [emphasis added]:

(a) **The portion of the property from which dedication is sought to be removed is not being used for interment of human remains** [emphasis added]; or

(b) **The Oregon Commission on Historic Cemeteries has received notice of and had the opportunity to comment on the removal from the dedicated property of all human remains and markers dated prior to February 14, 1909** [emphasis added].

(2) The notice of hearing required by this section must:

(a) Be given by publication once a week for at least four consecutive weeks in a newspaper of general circulation in the county where the cemetery is located and by publication twice in a newspaper with statewide circulation;

(b) Be posted in three conspicuous places on that portion of the property from which the dedication is to be removed;

(c) Describe the portion of the cemetery property sought to be removed from dedication;

(d) State that all remains and markers have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication; and

(e) Specify the time and place of the hearing. [Amended by 2003 c.237 §1]