

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 97.450 Discontinuance of cemetery and removal of remains and markers. (1)(a) Whenever any cemetery that is within the limits of any county, city or town has been abandoned, or it is desirable to abandon such cemetery, the governing body of any county, **if the cemetery is owned by the county, or the corporate authorities of the city or town, if the cemetery is owned by the city or town, or the trustees or directors, if the cemetery is owned by an association or corporation** [emphasis added], may order that such burial ground be discontinued, **have the remains of all persons interred in the cemetery moved to some other suitable place and provide for the removal and reerection of all stones and monuments marking said graves** [emphasis added]. Each removal must be made in an appropriate manner and in accordance with the directions of the Director of the Oregon Health Authority. **Prior to any removal authorized under this section, written notice must be given to the family, or next of kin of the deceased, if known, and if unknown, notice of the removal shall be published for at least four successive weeks in a newspaper of general circulation in the county in which the cemetery is located and twice in a newspaper with statewide circulation.** [emphasis added]

(b) Any removal and the costs of the proceedings under this section shall be at the expense of the county, city or town, individual, corporation or association owning the cemetery to be moved.

(2) Notwithstanding subsection (1)(a) of this section, **a cemetery or burial ground containing human remains that were interred before February 14, 1909, may not be discontinued or declared abandoned or have remains removed from the burial ground or cemetery without prior notice to and comment by the Oregon Commission on Historic Cemeteries. When commenting on a request to discontinue or declare abandoned a cemetery or burial ground, the commission shall consider:** [emphasis added]

(a) **The listing of the cemetery or burial ground under ORS 97.782** [emphasis added];

(b) **The historic significance of the cemetery or graves included in the request** [emphasis added]; and

(c) **The findings of any archaeological survey of the cemetery or burial ground** [emphasis added]. [Amended by 1955 c.472 §1; 2003 c.237 §2; 2009 c.595 §63]