Chapter 214

1961 REPLACEMENT PART
(1963 reprint)

County Cemeteries; County Administration of Funds for Cemetery Care

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CROSS REFERENCES

Building code for burial structures, 447.610 to 447.730
Cemeteries, establishment on watershed, 449.125
Cemetery lots and property rights in human bodies, Ch. 97
Discontinuance of cemetery and removal of remains and markers, 97.450, 226.510 to 226.630
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Douglass Cemetery in Multnomah County, 1955 c.137
Frank Escobar Cemetery in Multnomah County, 1955 c.277
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Liability for injuring cemetery property, 164.580
Mt. View Cemetery in Multnomah County, 1955 c.137
Odd Fellows' Cemetery in Salem, Marion County, 226.480
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Removal of dedication of property dedicated to cemetery purposes, 97.440, 271.310
White-Birch Cemetery, 1963 c.294

COUNTY CEMETERIES

214.010 [Renumbered 214.910]
214.020 [Renumbered 214.920]
214.030 [Renumbered 214.930]
214.040 [Renumbered 214.940]
214.050 to 214.500 [Reserved for expansion]

214.510 Consolidation of county cemeteries. Any county which has acquired ownership or control of and maintains two or more cemeteries may, through its governing body, consolidate such cemeteries, and for that purpose may:

(1) Disinter remains and remove such remains and any gravestones, monuments or other evidences of location or existence of graves to another burial ground owned or acquired by the county for cemetery purposes.

(2) Acquire real property.

(3) Vacate cemeteries and burial grounds from which all remains have been disinterred and removed.

(4) Sell, lease or otherwise dispose of any vacated cemetery no longer used as a burial ground or for other county purposes.

(5) Provide funds necessary to exercise its powers under ORS 214.510 to 214.530.
[1955 c.508 §1]

214.520 Disinterments and removal of remains. Disinterments and removal of remains shall be made only:

(1) In accordance with rules and regulations of the State Board of Health; and

(2) After notice has been given not less than 30 days prior to such disinterment and removal:

(a) In writing to the immediate family or next of kin of the deceased, if known; or

(b) By the last publication of a series published once a week for at least four successive weeks in a newspaper of general circulation in the county where the cemetery is located, if family or next of kin are unknown.
[1955 c.508 §2]

214.530 Acquisition of fee simple title to vacated cemeteries. (1) If the county does not have a fee simple title to cemeteries and burial grounds which have been vacated under ORS 214.510 it may acquire such title by:

(a) Condemning any cemetery, any part thereof or any interest or estate therein, in the manner provided by ORS 281.310 to 281.380, except that the provisions of ORS 226.580 to 226.610 shall be followed in such a proceeding with respect to parties defendant, service of summons, service by publication and determination of damages; or

(b) Proceeding to quiet title to such cemetery or part thereof as provided in ORS 105.605.

(2) The methods provided by paragraphs (a) and (b) of subsection (1) of this section are cumulative, and no action taken by the county under one of those paragraphs constitutes an election by the county to pursue that method to the exclusion of the method provided by the other paragraph.
[1955 c.508 §3]

214.540 to 214.600 [Reserved for expansion]

HISTORIC CEMETERIES IN CLACKAMAS COUNTY

214.610 Designation and maintenance of pioneer memorial parks in Clackamas County. (1) The board of county commissioners of Clackamas County may designate unattended cemeteries of historical interest located within the county as pioneer memorial parks. The board may accept ownership and control of such cemeteries; or, at the request of any person, the board may accept the responsibility for the restoration, care and preservation of such a cemetery without accepting ownership.

(2) Funds designated in the Clackamas County budget for the purpose of providing, establishing, maintaining and regulating county parks and recreational areas may be expended by the board of county commissioners to restore, maintain and preserve pioneer memorial parks.
[1961 c.365 §§1, 2]

214.620 to 214.900 [Reserved for expansion]

COUNTY ADMINISTRATION OF FUNDS FOR CEMETERY CARE

214.910 Deposit with county treasurer for cemetery care. Any person or association of persons other than a corporation may deposit with the county treasurer in any county, money in any sum not to exceed $2,000 for the purpose of caring for cemeteries situated in such county under the provisions of ORS 214.910 to 214.940.
[Formerly 214.010]

214.920 Custody, control and investment of deposit. (1) Any money deposited under ORS 214.910 shall be under the custody and control of the county court sitting for the transaction of county business or board of county commissioners.

(2) The deposit shall be kept loaned for not less than the legal rate of interest to responsible persons, secured by a first mortgage on unencumbered real property of the value of at least three times the amount of the loan, or invested in state, county, school district or municipal bonds. Such loans or investments shall be made in the name of the county. Interest shall be payable at no greater period than annually.
[Formerly 214.020]

214.930 Employment of caretaker of cemetery. The county court sitting for the transaction of county business or board of county commissioners shall employ a responsible person or persons to keep the cemetery, its fences and monuments in repair and in order, or may employ such person as the district school board of the school district in which such cemetery is situated may select for the purpose. No part of the principal deposited under ORS 214.910 shall be used for such expenses but the expenses shall be paid out of the interest on such principal.
[Formerly 214.030]

214.940 Liability under ORS 214.910 to 214.940. Nothing in ORS 214.910 to 214.940 shall make the county liable for any selection or employment under ORS 214.930 beyond the amount of interest on principal deposited, or liable for any loss, but the county judge and commissioners shall be personally liable to the county for any want of reasonable care or bad faith in making any loan under ORS 214.920 whereby the fund or any part thereof is lost.
[Formerly 214.040]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel