

Death Care in Oregon

Fact Sheet: Burial of Human Remains on Private Property

Q: I own property in the State of Oregon. Is it legal for me to bury a family member on the property?

A. Yes, as long as certain conditions are met. Oregon Revised Statute 97 allows for the use of private property for family burial grounds as long as the following is true:

- You are the owner of the property or you have consent of all the owners of the property;
- You have contacted the local planning commission in your area and you have met their requirements for land use, if any; and have their written consent;
- You agree to maintain accurate, permanent records of the burial, and;
- You agree to disclose the burial upon sale of the property.

You must also meet all State requirements for the completion of the death certificate and acquire all transport permits or other documentation required by the Office of Vital Statistics.

Q: Can I offer burial or scattering of ashes on my own land to others?

A: Anyone engaged in the sale of rights of interment (i.e. burial plot/niche or crypt or burial services), scattering of remains, or for establishing a permanent memorial, must be licensed with the State of Oregon Mortuary & Cemetery Board. Furthermore, land used for this purpose must be dedicated as a cemetery and cannot be used for other purposes. So, you may not offer your land for this purpose generally, or charge for this right, unless you have your property dedicated for this purpose, and you secure the appropriate license with the State.

Q: What other considerations should I keep in mind for private burial?

A: Remember that the descendants of the person or persons being buried on your property may wish to continue to visit the grave or memorial many years in the future. This is the value of using cemetery property that has been permanently dedicated to this purpose. If you complete a home burial, please keep in mind and plan to negotiate the long term access rights to the grave site through an easement or other agreement. Otherwise, the new owner of the property is under no obligation to allow access.

Q: What about scattering cremated remains on my property?

A: If you are the owner of the property or have the specific permission of the owner, you may scatter cremated remains. Please remember that there are restrictions on many State or Federal lands that do not allow the scattering of remains. Always check with the owner of the property. As stated above, if you want to charge to allow others to scatter remains on your property, then you must be licensed properly with the State of Oregon.

Q: I still have questions. Who can I call?

A: Please contact your local planning commission or county office for more information about restrictions or requirements in your specific area. For general questions about the laws relating to cemeteries, memorials, etc, please review ORS 97. You may contact the Oregon Mortuary & Cemetery Board at 971.673.1500 or see our website at www.oregon.gov/mortcem. Please contact the Center for Health Statistics for further information on death certificates and transportation permits. You can also contact your local funeral service practitioner for more information or assistance.