

Chapter 477

Protection of Forests and Inflammable Vegetation from Fire

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DEFINITIONS; FIRE DISTRICTS AND FIRE WARDENS

477.002 Definitions. (1) In ORS 477 004, 477.006, 477.010, 477 012, 477.014, 477 062 to 477 071, 477.073, 477.152, 477.154, 477.165, 477.182, 477.184, 477.187, 477.188, 477 212 to 477 218, 477.242 to 477 248, and 477 302 to 477 314, unless the context or subject matter otherwise requires:

(a) "Board" means State Board of Forestry.

(b) "Forester" means State Forester.

(c) "Forest land" includes any forest, woodland, brushland, cutover land, slashing, chopping or clearing containing any inflammable forest debris.

(d) "One" or "owner" means person, firm or corporation

(e) "Operation area" means any legal subdivision upon which any activity for the removal or cutting of the forest crop is conducted or has been carried on and the hazard created thereby has not been removed in accordance with ORS 477 242 and 477 244, or has not been released by the State Forester.

(f) "Operator" means anyone carrying on activity or employing or contracting with anyone for the removal or cutting of forest crops resulting in an operation area

(g) "Ranger" means any United States forest officer.

(h) "Side" means any single unit of a logging operation employing power-driven yarding or loading equipment

(i) "Timberland" means any land having enough timber, standing or down, living or dead, either mature timber or young growth to constitute a fire menace to itself or adjoining lands.

(j) "Warden" means fire warden

(2) As used in this subsection and ORS 477.022 to 477 055:

(a) "Board" means State Board of Forestry.

(b) "County authority" means the county court or board of county commissioners having authority to make a levy and assessment against land.

(c) "Fire protection district" means any official fire district established by the State Forester under authority of the State Board of Forestry pursuant to ORS 477 004.

(d) "Forester" means State Forester or his authorized representative.

(e) "Forest land" means any forest, woodland, brushland, cutover land, slashing,

choppings or clearing containing enough inflammable growth or debris to constitute a fire menace to life or property.

(f) "Grazing land" means any forest land within a fire protection district, which has been classified as Class 3, agricultural class, by a classification committee or by the State Forester, as provided by ORS 526.310 to 526 350.

(g) "Timberland" means any forest land within a fire protection district which has not been classified as Class 3, agricultural class, under the provisions of ORS 526 310 to 526.350.

(3) As used in ORS 477 152 to 477 188 and 477 215, "closed season" is the designation given the period between April 1, or a date in advance thereof determined according to law, and December 31, or a date prior thereto determined according to law.

(4) As used in ORS 477 242 and 477.244 "annual slashing" means the tops and inflammable refuse left after harvesting forest products that may carry fire or cause it to spread.

(5) When used in ORS 477 282 to 477 288 or subsection (12) of ORS 477.990:

(a) "Board" means the State Board of Forestry as provided by law

(b) "Closed season" means the period designated pursuant to ORS 477 152 and 477.154, or any extension thereof

(c) "Forester" means the State Forester as provided by law.

(d) "Forest land" means any forest, woodland, brushland, cutover land, slashings, choppings or clearing containing any inflammable forest debris.

(e) "Operation" means any industrial activity or development in or within one-eighth of one mile of forest land, excluding the culture and harvesting of agricultural crops.

(f) "Person" means any person, firm or corporation. [Amended by 1953 c 68 §19; subsection (2) enacted as 1953 c 372 §2; subsection (5) enacted as 1953 c 152 §1]

477.004 Fire protection laws, administrative rules; official fire districts. For the prevention and suppression of forest fires the State Forester shall, under authority of the State Board of Forestry, and with the advice of property owners or agents or counties desiring to cooperate in forest protection, make and enforce such rules and regulations as are necessary for the proper administration and enforcement of laws per-

taining to fire protection, and designate suitable areas to be official fire districts.

477.006 District fire wardens; appointment; compensation. The State Forester shall appoint, for each district designated under ORS 477.004, one or more district fire wardens, to be paid from the General Fund appropriation or such other funds as may be available for fire protection within each district and to serve until their appointments are revoked by him for good cause shown. Any other fire warden appointed by the State Forester to serve in the district, except those designated as inspectors, shall be subject to the direction of the proper district fire warden.

477.008 Duties of district fire warden. The district fire warden shall, under the direction of the State Forester, have charge of the fire fighting system in his district and such other duties as are required by law and regulations of the State Board of Forestry.

477.010 Ex-official and additional fire wardens; appointment and compensation; payment of expenses. (1) Under such general policy as to qualifications, numbers and localities as he shall deem wise, the forester shall appoint suitable and proper citizens wardens who shall have all the powers given to wardens under ORS 477.012, but who shall serve voluntarily or under compensation by property owners of counties. State and county officials, whose duties make their ex-official services as wardens especially desirable as a convenience to the public, shall accept appointments as such when formally requested by the board. Upon recommendation of federal forest supervisors, the forester shall appoint resident officers of the National Forest Service ex-official wardens.

(2) In times or localities of particular fire danger or to enforce the fire laws, or to apprehend and prosecute violators thereof, the forester may appoint and employ, either independently or jointly with other agencies, such additional wardens, and furnish them such assistance and facilities for protecting life or property from fire as he deems necessary for public safety. Unless contributed by other sources, the cost thereof shall be paid from the funds appropriated for the purpose of carrying out the provisions of the laws relating to protection of forests.

477.012 Duties and powers of wardens.

(1) All wardens appointed under ORS 477.006 and 477.010 shall, under instructions from the forester as to their exercise of state authority:

(a) Take proper steps for the prevention and extinguishment of fires within the localities in which they exercise their functions.

(b) Assist in apprehending and convicting offenders against the fire laws.

(c) Control the use of fire for clearing land in the closed season, as provided by ORS 477.152, 477.154 and 164.070.

(d) Make such reports of their work and conditions within their localities as may be requested by the forester.

(2) They shall have the power of peace officers to make arrests for violation of forest laws.

(3) They may enter upon the lands of any person or owner in the discharge of their duties, provided that in so entering they exercise due care to avoid doing damage.

(4) Any warden who has information which would show, with reasonable certainty, that any person has violated any provision of the forest laws shall immediately take action against the offender either by using his own power as peace officer or by making complaint before the proper magistrate, or by the filing of information with the district attorney, and shall obtain all possible evidence.

(5) The forester, or any warden or ranger coming under his jurisdiction, may administer oaths in investigations of violations of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.216, 477.218, 477.242 to 477.246, 477.304, 477.306, 477.312 and 761.420 and the preparation of reports thereon. Any false statements made under oath so administered shall constitute perjury.

477.014 Nonperformance of duty by warden; refusal to assist warden prohibited.

(1) No warden receiving compensation shall fail to comply with the duties prescribed by ORS 477.008 and 477.012.

(2) No able-bodied man shall refuse, without reasonable excuse, to render assistance in suppressing a grass, brush or forest fire when called upon by a regularly appointed state fire warden, provided that any such person so called upon for assistance shall

be paid the going rate of wages for such work

477.016 to 477.020 [Reserved for expansion]

CONTROL AND PREVENTION OF FOREST FIRES; FIRE PATROL SYSTEM

477.022 Declaration of public policy. The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon. To achieve this end the need for a complete and coordinated fire protection system is acknowledged [1953 c 372 §1]

477.024 Duty of owner to protect forest land from fire; forester's duty to provide fire protection upon noncompliance by owner. (1) During the season of the year when there is danger of fire, every owner of forest land shall provide adequate protection against the starting or spread of fire thereon or therefrom which protection shall meet with the approval of the board.

(2) The provisions of subsection (1) of this section shall be deemed to have been complied with if, prior to January 1, the owner shall have filed with the forester a bona fide fire protection plan which meets with the approval of the board, or is a member in good standing in a fire protection association maintaining a standard of protection approved by the board. The forester shall make periodic inspections of the fire protection facilities provided in order to ascertain compliance by the owner.

(3) In case any owner of forest land shall fail or neglect to file such a fire plan or maintain the standard of protection approved by the board, either through compliance with the fire plan or membership in an approved association, then the forester under the direction of the board shall provide such fire protection pursuant to the provisions of ORS 477.022 to 477.055 [1953 c.372 §3]

477.026 Establishment of fire protection districts for which forester is required to provide fire protection. The forester, pursuant to ORS 477.004, shall designate certain areas of forest land within the state as fire protection districts for which the forester is required to provide fire protection pursuant to ORS 477.024. In establishing new boundaries or changes in boundaries of the fire

protection districts, the forester may, for the purposes of administrative convenience, designate mountain ranges, rivers, streams, roads or other recognizable landmarks as boundaries; such establishment or change shall be after a public hearing for the landowners concerned. [1953 c 372 §4]

477.028 Forester may enter into cooperative agreements for maintenance of fire protective system. The forester with the approval of the board may, for the purpose of maintaining a fire protective system for the prevention and suppression of fire on forest land, enter into cooperative agreements or contracts with the United States or any responsible fire protective agency composed of landowners having forest land within the fire protection district [1953 c 372 §5]

477.030 Basis for computing costs of protection provided by forester; costs to be in accordance with budget. The annual cost of fire protection provided by the forester for forest lands within a fire protection district shall be as follows

(1) Grazing lands within a fire protection district, as defined in paragraph (f) of subsection (2) of ORS 477.002, shall be protected by the forester at a pro rata cost per acre for all grazing lands within the fire protection district boundary; such cost shall be in accordance with a budget for the fire protection district approved by the board. The cost for the fire protection of grazing land shall not exceed five cents per acre per annum unless actual cost for fire suppression on grazing land exceeds such limit.

(2) Timberlands within a fire protection district, as defined in paragraph (g) of subsection (2) of ORS 477.002, shall be protected by the forester at a pro rata cost per acre for all timberlands within the fire protection district boundary. The cost of such protection shall be in accordance with a budget for the fire protection district approved by the board. [1953 c 372 §6]

477.032 [Renumbered 477.062]

477.033 Costs incurred by forester to be a lien; collection of costs; deposit of amounts collected in Forest Patrol Fund Account. The cost incurred by the forester in providing the fire protection for forest land shall, together with any amount required by ORS 291.368, be a lien upon such property, and

shall be reported by the forester to the county authority of the county in which the lands are situated, and shall by the authority be levied and collected with the next taxes on the lands in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state. The county authority shall instruct the proper officer to extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and, upon collection thereof, the county authority shall repay the entire amount collected to the forester. The forester shall deposit such amounts in the Forest Patrol Fund Account of the General Fund, which amounts, notwithstanding the provisions of ORS 291.238, are continuously appropriated for and shall be used by the forester for the purposes of ORS 477.022 to 477.055 [1953 c 372 §7]

477.034 [Amended by 1953 c.661 §2; renumbered 477.064]

477.035 Costs incurred by forester in excess of amounts budgeted to be included in next budget and levied and assessed against lands in district. (1) Actual costs incurred by the forester in the suppression of fire on grazing land in any fire protection district in excess of the amount budgeted as required by ORS 477.030, shall be included in the budget for the next fiscal year and shall be levied and assessed against the grazing lands in the district without regard to proceedings for the collection of such costs. Prior to the levy and assessment, such excess costs on the grazing lands may be reduced or equalized by any emergency moneys made available to the forester for such purpose. Thereafter, any amount of such costs collected shall be credited to the grazing land on a pro rata acreage basis up to the amount that such excess costs have been assessed and paid, the remaining amount, if any, shall reimburse the emergency fund.

(2) Actual costs incurred by the forester in the suppression of fire on timberland in any fire protection district in excess of the amount budgeted as required by ORS 477.030, shall be included in the budget for the next fiscal year and shall be levied and assessed against the timberlands in the district without regard to proceedings for the collection of such costs. Prior to the levy and assessment, such excess costs on the timberlands may be reduced or equalized by

any emergency moneys made available to the forester for such purpose. Thereafter, any amount of such costs collected shall be credited to the timberland on a pro rata acreage basis up to the amount that such excess costs have been assessed and paid, the remaining amount, if any, shall reimburse the emergency fund. [1953 c 372 §8]

477.036 [Amended by 1953 c 661 §2; renumbered 477.066]

477.037 Owner or possessor of forest land in operation area; liabilities in certain cases. Payment of fire patrol assessments or membership in an organization under contract with the forester pursuant to ORS 477.073, shall not relieve the owner, operator or person in possession of the forest land from the obligations imposed by ORS 477.022 to 477.055 or by ORS 477.064 to 477.071, if such forest land has theretofore become an operation area as defined in ORS 477.002, and if as a result thereof an additional fire hazard has been created and exists thereon and has not been released by the forester. [1953 c 372 §9]

477.038 [Amended by 1953 c.661 §2, renumbered 477.068]

477.039 Hearing before board on owner's request; advance request for hearing on costs. Any owner of grazing land or timberland subject to ORS 477.022 to 477.055 shall, upon request, be granted a hearing before the board on any subject pertaining to the activities of the forester or board affecting the land. Any hearings pertaining to costs charged against land for protection thereof must be requested in advance of the meeting of the board, which shall be held on the first Wednesday following the first Monday in June at the State Capitol Building, Salem, Oregon. [1953 c 372 §10]

477.040 [Amended by 1953 c 661 §2; renumbered 477.070]

477.041 Forester to prepare tentative budget estimates for fire protection districts; contents. The forester shall prepare tentative budget estimates for each fire protection district for the ensuing fiscal year beginning July 1, indicating the following:

(1) Estimated balance or deficit from previous fiscal year.

(2) Estimated receipts available to the district.

(3) Estimated general expenditures

(a) Salaries and wages

- (b) General operation and maintenance.
- (c) Capital outlay.
- (d) Administration.
- (4) Estimated fire suppression expenditures:

- (a) Estimated normal fire suppression costs.

- (b) Fire suppression costs in excess of budgeted amounts carried forward from previous fiscal year.

- (5) Prorated acreage rate for the fire protection of grazing lands.

- (6) Prorated acreage rate for the fire protection of timber lands. [1953 c.372 §11]

477.042 [Amended by 1953 c.661 §2; renumbered 477 071]

477.043 Owners entitled to be heard on budget matters; public budget meetings to be held in each district. (1) All owners of lands assessed under provisions of ORS 477 022 to 477 055 shall have an opportunity to be heard on matters pertaining to the budgeting of moneys required to defray the cost of fire protection in each fire protection district. The forester, under the direction of the board, hereby is required to provide for the holding of a public budget meeting in each fire protection district on or before May 1 of each year. The meeting shall be held at any convenient place designated by the forester and a member of the board shall act as chairman and the forester or his representative shall act as secretary. Minutes of the meeting shall be kept and preserved for the record.

(2) In fire protection districts wherein the board has entered into contracts with fire protection agencies, the board may make provision in the contract for the holding of the public budget meeting required in subsection (1) on the same date and at the same place as a regular meeting of the agency [1953 c 372 §§12,16]

477.044 [Repealed by 1953 c.372 §22]

477.045 Publication of notice of budget meeting. Not more than four weeks preceding each budget meeting, the forester shall cause notice of such meeting to be published once a week for two consecutive weeks in one or more newspapers published in or having general circulation in each of the counties in the fire protection district and in such other media of communication as the forester shall deem advisable; provided, that the final publication shall be made at least one week prior to the date of the meet-

ing. The notice shall state the time and place where the tentative budget for the fire protection district may be inspected and shall state the time and place of the meeting. [1953 c.372 §13]

477.046 [Repealed by 1953 c 372 §22]

477.047 Holding of budget meeting; revision and submission of budget for final approval. The public budget meeting shall be held at the time and place as stated in the published notice, or at such other time and place to which the meeting may be adjourned. During the meeting the chairman shall receive from any interested persons suggestions, advice, objections or remonstrances as to the proposed budget for that fire protection district. The forester, under the direction of the board, may make changes in the budget as may be proper and consistent with law, and thereafter submit the budget to the board for final approval. [1953 c 372 §14]

477.048 [Repealed by 1953 c 372 §22]

477.049 Appeal to State Board of Forestry. Any owner of grazing land or timberland within the boundary of the fire protection district who is adversely affected by the proposed budget may file an appeal within 30 days after the date of the public budget meeting. Such appeal shall be in writing and filed with the forester and shall be reviewed by the board at its next regular meeting. [1953 c.372 §15]

477.050 [Amended by 1953 c 37 §2; renumbered 477 073]

477.051 Board to deal with budgets and appeals at its June meeting. At the June meeting of the board, as required by ORS 477.039, the board shall review the fire protection district budgets, appeals from the owners of grazing land or timberland, make any changes in the budgets that are proper and consistent with law, and shall pass final approval on all fire protection district budgets and the prorated acreage rates therein. [1953 c.372 §17]

477.053 Lands not included within scope of ORS 477.022 to 477.055. (1) Grazing land and timberland within organized rural fire districts shall not be included within the scope of ORS 477.022 to 477.055 unless by statutory procedure such lands are released from the rural fire district or

are protected pursuant to cooperative agreement pursuant to ORS 477.073

(2) ORS 477.022 to 477.055 shall not apply to federal grazing land or federal timberlands within the state for which adequate fire protection is provided unless the lands have been included within the boundaries of a fire protection district pursuant to terms of a cooperative agreement with the Federal Government approved by the board [1953 c 372 §18]

477.055 Reporting 1953-54 fire protection costs; costs after July 1, 1954, reported as required by ORS 477.033. In order to provide a fire protective system by the forester as required by ORS 477.024, and to provide such fire protection based on a budget approved by the board for each fire protection district, the following procedure is authorized:

(1) One-tenth of the actual cost of providing fire protection during the period of January 1, 1953, to June 30, 1954, together with the penalty required by section 107-243, O.C.L.A., or the amount required by ORS 291.368, shall be by the forester reported to the county authority on or after July 1, 1954, and the same amount shall be reported on or after July 1 of each subsequent year until the entire amount of the actual costs for the period has been reported; this amount shall be in addition to any amount required to be reported to the county authority pursuant to ORS 477.033

(2) The estimated costs of providing fire protection required by ORS 477.022 to 477.055 during the fiscal year beginning July 1, 1954, and during each fiscal year thereafter shall be reported to the county authority on or after July 1 of each fiscal year by the forester pursuant to ORS 477.033 [1953 c 372 §19]

477.056 to 477.060 [Reserved for expansion]

477.062 Inadequately protected forest land declared nuisance; notice to protect; work at expense of owner; collection of amount expended. (1) All inadequately protected forest land covered wholly or in part by inflammable debris or otherwise likely to further the spread of fire, which by reason of its situation or condition or lack of protection endangers life or property, is declared to be a public nuisance

(2) Whenever the forester learns thereof he shall, by 10 days' notice in writing, direct

the owner or person in control or possession of such forest land to take proper steps for its protection and advise him of means and methods to that end. In case of refusal or neglect by anyone, after such notice, to take precautions against fire required by law or directed by the forester, then the forester or any district warden or ranger, acting with consent of the forester, may have such work done as he deems requisite to public safety for the protection of life or property, summarily, without the necessity of court action.

(3) The cost thereof and the expense of any fire patrol rendered necessary by the want of adequate protection of such forest land shall be recoverable from the offender by action for debt prosecuted in the name of the state [Formerly 477.032]

477.064 Uncontrolled fire declared nuisance. Any fire on any forest land in Oregon burning uncontrolled or without proper action being taken to prevent its spread, notwithstanding its origin, is declared a public nuisance by reason of its menace to life and property. The spread of fire in forest land across an ownership boundary is prima facie evidence of fire burning uncontrolled [Formerly 477.034]

477.066 Duty of owner or possessor of land to abate fire; abatement by authorities. The owner, operator and person in possession of land on which a fire exists, or from which it may have spread, or any of them, notwithstanding the origin or subsequent spread thereof on his own or other land, shall make every reasonable effort to control and extinguish such fire immediately when its existence comes to his knowledge, without awaiting instructions from the forester, warden or ranger and shall continue until the fire is extinguished. If the owner or operator or person in possession fails so to do, or if the fire is burning uncontrolled, the forester, or any forest protective agency under contract with the State Board of Forestry for the protection of forest land against fire, and within whose protection area the fire exists, shall summarily abate the nuisance thus constituted by controlling and extinguishing the fire [Formerly 477.036]

477.068 Liability of owner or possessor for cost of abatement; lien; foreclosure. (1) In case such owner, operator and person in possession, or any of them, shall fail to make the effort required by ORS 477.066, the cost

of controlling or extinguishing the fire shall be recovered from such owner, operator or person in possession when necessary by action for debt prosecuted in the name of the State of Oregon or such forest protective agency or agencies

(2) The cost shall constitute a general lien upon the real and personal property of such owner, operator or person in possession, but the lien shall be limited to the real and personal property situated within the external boundaries of the area over which the fire has burned. A written statement and notice of the lien, containing a description of the property and a statement of the cost, shall be certified under oath by the forester or any warden and filed in the office of the county clerk of the county in which the lands and personal property are situated within six months after extinguishment of the fire, and may be foreclosed by suit in the manner provided by law for foreclosure of liens, for labor and material. The lien provided for in this section shall be inferior to any existing lien.

(3) Upon request of the forester, the district attorney for the district in which the lands and personal property are situated shall prosecute such action for debt or foreclose the lien in the name of the State of Oregon or such forest protective agency or agencies. Liens provided for in this section shall cease to exist unless suit for foreclosure is instituted within six months from the date of filing the same [Formerly 477 038]

477.070 Effect of payment of fire patrol assessment or membership in control organization. If the owner regularly pays a fire patrol assessment on the lands described under ORS 477 068 or is a member in good standing of an organization approved by and under contract with the board, which organization has undertaken the control and suppression of fires on such land and which is actually engaged in the control and suppression of fire entering upon or burning on such land, the owner, operator or person in possession shall not be subject to the penalties prescribed by ORS 164 070, or be held as maintaining a nuisance as defined in ORS 477 064, unless he or his agent, through negligence or carelessness, is responsible for the origin of such fire. But payment of fire patrol assessments or membership in an organization under contract with the board shall not relieve any owner,

operator or person in possession of land from the obligation imposed by ORS 477 066 to control and prevent the spread of fires if that land has theretofore become an operation area and if, as a result thereof, an additional fire hazard has been created and exists thereon and has not been released by the forester [Formerly 477 040]

477.071 Notice of fire. For the purpose of ORS 477.066, notification to the owner, operator and person in possession of the land, or any of them, shall be considered good and sufficient notice to the owner of the existence of a fire [Formerly 477 042]

477.072 [Repealed by 1953 c 372 §22]

477.073 Fire patrol system; cooperative agreements. Under authority of the State Board of Forestry, the State Forester may, for the purpose of maintaining a fire patrol system for the prevention and suppression of fires in any forest land, brush, grass or other inflammable vegetation or material, enter into cooperative agreement with the Federal Government, any state agency, county, municipality, rural fire district or association of land owners, or any of them, under such terms as he deems advisable, and may renew, revise or terminate the agreements [Formerly 477 050]

477.074 [Repealed by 1953 c 372 §22]

477.076 [Repealed by 1953 c 372 §22]

477.078 [Repealed by 1953 c 372 §22]

477.080 [Repealed by 1953 c 372 §22]

477.082 [Repealed by 1953 c 372 §22]

477.084 to 477.100 [Reserved for expansion]

477.102 [Repealed by 1953 c 372 §22]

477.104 [Repealed by 1953 c 372 §22]

477.106 [Repealed by 1953 c 372 §22]

477.108 [Repealed by 1953 c 372 §22]

477.110 [Repealed by 1953 c 372 §22]

477.112 [Repealed by 1953 c 372 §22]

477.114 to 477.130 [Reserved for expansion]

COOPERATIVE AGREEMENTS FOR FIRE PROTECTION AND FINANCING THEREOF

477.132 [Repealed by 1953 c 375 §38]

477.133 Cooperative agreements for fire protection for Class A forest lands; payment of costs from Forest Emergency Fire Cost Fund. (1) As used in this section, "current fire season" means the period designated in any year as the "closed season" under ORS 477.152 and 477.154, including any extension of such period

(2) The administrator appointed by the Forest Protection and Conservation Committee, with the approval of the committee, may enter into uniform cooperative agreements with the board and any association of forest land owners engaged in forest fire protection and suppression for Class A forest lands under such terms as the committee considers advisable in order to carry out the purposes and intent of ORS chapter 321, ORS 477.133, 477.135 and 527.280 to 527.292. Such agreements shall provide for the certification and payment of fire suppression costs from the Forest Emergency Fire Cost Fund, continued in existence by ORS 321.175, to fire protection associations and districts that have expended at least two cents per acre during the current fire season for fire suppression costs for Class A forest lands. The agreements shall provide for additions to and advances from the Forest Emergency Fire Cost Fund from and to such associations and districts. The payment of all claims against or advances from the Forest Emergency Fire Cost Fund shall be pursuant to the terms of such cooperative agreements and shall be conditioned upon presentation to the administrator of a certified statement of fire suppression costs

(3) Agreements by the State Forester made pursuant to section 3, chapter 89, Oregon Laws 1951, with respect to Class A forest lands before July 21, 1953, shall be deemed agreements made pursuant to subsection (2) of this section and after July 21, 1953, such agreements shall be administered by the administrator and the committee in the same manner as agreements made by the administrator and the committee pursuant to subsection (2) of this section [1953 c.375 §31]

477.134 [Repealed by 1953 c 375 §38]

477.135 Cooperative agreements for fire protection for Class B forest lands; payment of costs from Forest Emergency Fire Cost Account. (1) As used in this section, "current fire season" means the period desig-

nated in any year as the "closed season" under ORS 477.152 and 477.154, including any extension of such period

(2) The administrator appointed by the Forest Protection and Conservation Committee, with the approval of the committee may enter into uniform cooperative agreements with the board and any association of forest land owners engaged in forest fire protection and suppression for Class B forest lands under such terms as the committee considers advisable to carry out the purposes and intent of ORS chapter 321, ORS 477.133, 477.135 and 527.280 to 527.292. Such agreements shall provide for the certification and payment of fire suppression costs from the Forest Emergency Fire Cost Account, created by ORS 321.165, to fire protection associations and districts that have expended at least two cents per acre during the current fire season for fire suppression costs for Class B forest lands. For the purposes of this section, "Class B forest lands" includes federal forest lands protected by a fire protection district or private association pursuant to an agreement under which the district or association agrees to protect specific federal forest lands and, in return, the United States Forest Service agrees to protect specific Class B forest lands of the district or association. The agreements shall provide for additions to and advances from the Forest Emergency Fire Cost Account from and to such associations and districts. The payment of all claims against or advances from the Forest Emergency Fire Cost Account shall be pursuant to the terms of such cooperative agreements and shall be conditioned upon presentation to the administrator of a certified statement of fire suppression costs

(3) Agreements by the State Forester made pursuant to section 3, chapter 89, Oregon Laws 1951, with respect to Class B forest lands before July 21, 1953, shall be deemed agreements made pursuant to subsection (2) of this section and after July 21, 1953, such agreements shall be administered by the administrator and the committee in the same manner as agreements made by the administrator and the committee pursuant to subsection (2) of this section [1953 c 375 §32]

477.136 [Repealed by 1953 c 375 §38]

477.138 to 477.150 [Reserved for expansion]

**CLOSED SEASON;
REGULATIONS GENERALLY**

477.152 Unlawful to set fire during certain period without permit; forester's authority to prescribe conditions; exceptions.

(1) Each year between April 1 and December 31, which is designated the closed season, no one shall set on fire, or cause to be set on fire, any forest land, grass, grain or stubble, either on his own or the property of another, without first securing a written or printed permit from the forester or a warden and complying with its terms.

(2) The forester or any warden may prescribe the conditions upon which the permit is issued and which are necessary to be observed in setting the fire and preventing it from spreading so that life or property may be endangered thereby. However, nothing contained in this section shall require a permit for the burning of grass, grain, stubble and debris in small quantities and under adequate protection outside of and not within one-eighth of a mile of any forest land as defined in subsection (1) of ORS 477.002. But if any such burning results in the escape of fire and injury to the property of another, this shall be prima facie evidence that the burning was not safe and was in violation of this section.

(3) Any warden may refuse, revoke or postpone permits when necessary to prevent danger to life or property. Any permit obtained through wilful misrepresentation is invalid. [Amended by 1953 c 68 §19]

477.154 Governor may suspend permits or declare closed season. Upon advice of the forester that conditions in any locality of the state so permit or require, the Governor may suspend any permits or privileges authorized by ORS 477.152 and prohibit absolutely the use of fire mentioned in ORS 477.152 or may, when fire weather conditions so warrant, advance the closed season from April 1 to any date not earlier than February 1, or terminate any closed season any time prior to December 31 in any year. Between the date of such termination and December 31 the provisions of ORS 477.152 and 477.154 shall not apply in the areas affected by such termination [Amended by 1953 c 68 §19]

477.156 Governor may proclaim area subject to limited uses during closed season. (1) Whenever or wherever, during the closed season it appears to the Governor,

upon the showing of the State Forester, that the use or unregulated use of any forest area is, in the judgment of the forester, a menace to life or property, due to an excessive amount of inflammable material existing on the area or other conditions tending to cause or allow the rapid spread of fires which may occur on such area or because of its inaccessible character due to the lack of suitable roads, he may, by proclamation, declare such condition therein, designating the area to which and the period during which the proclamation shall apply, and requiring that the area shall be subject to use only upon the condition that entrants comply with all the requirements or conditions as promulgated for any area.

(2) The proclamation shall designate the type of closure as:

- (a) Regulated closure;
- (b) Permit closure; or
- (c) Absolute closure.

[Amended by 1953 c.68 §19]

477.158 Restrictions imposed during closed season. (1) Regulated closures shall require the entrants to:

(a) Refrain from smoking while traveling in such areas.

(b) Secure a permit issued by the forester or a fire warden before building a campfire other than at improved, designated and posted campgrounds on such areas.

(c) Have as equipment when using campfires, except when traveling as a pedestrian or camping at improved, designated and posted campgrounds, tools as specified by the forester suitable for extinguishing fires.

(2) Permit closures shall make the area subject to entry only through permit issued by the State Forester or a fire warden. The forester may, during periods of fire hazard conditions, refuse, postpone or restrict issuance of such permits when necessary to prevent danger to life or property. The permit shall require the entrant to:

(a) Refrain from smoking except in places designated as safe in the permit.

(b) Build no open fires except in places designated as safe in the permit.

(c) Have as equipment when using campfires, except when traveling as a pedestrian or camping at improved, designated and posted campgrounds, tools specified by the forester suitable for extinguishing fires.

(3) Absolute closures shall restrict the areas to all forms of use and shall be designated only during periods of extreme fire

hazard conditions endangering life and property. However, nothing herein contained shall be construed as prohibiting access to any area for the sole purpose of preventing or extinguishing fires [Amended by 1953 c.68 §19]

477.160 Notice of proclamation; publication; contents. Notice of the proclamation shall be posted on the main traveled roads entering the designated areas and shall be published in at least one newspaper of general circulation in the state and at least one newspaper published in each fire district containing the designated areas. Each statement or notice shall clearly set forth the area to be subject to regulated use, the date on which such use becomes effective, and the manner in which permits specifying the requirements may be secured if the area is designated as a permit closure. The proclamation shall remain in force until the time designated therein expires or until the Governor, in like manner, upon the judgment of the forester that the regulation is no longer requisite, by order terminates it. It shall be sufficient if the order is given without further proclamation. [Amended by 1953 c 68 §19]

477.162 Violation of closure conditions prohibited; access to area for fire fighting permitted. (1) No one shall enter any area designated as provided in ORS 477.156 or violate any of the conditions specified under ORS 477.158, excepting only upon his own land, or violate any provision of ORS 477.156 to 477.160

(2) Nothing contained in this section shall be construed as prohibiting free access to any area for the sole purpose of preventing or extinguishing fires.

477.164 [Amended by 1953 c 302 §2, renumbered 476.715]

477.165 Acts prohibited during closed season. (1) During the closed season smoking by any person on forest land shall be prohibited while such person is working in or traveling in or through any operation area

(2) During the closed season it shall be unlawful to use fuse and caps for blasting in forest land unless approval is granted by the forester.

(3) During the closed season it shall be unlawful to use explosives in the topping of trees in forest land unless approval is granted by the forester. [1953 c.68 §14]

477.166 to 477.180 [Reserved for expansion]

CLOSED SEASON; REGULATION OF MACHINERY AND EQUIPMENT

477.182 Use of engines without spark arrester; waiver of requirement; steam engines, ash pans; locomotive, screen or ash pan; persons liable; evidence of guilt; injunctive relief. (1) During the closed season no person shall use or operate in or within one-eighth of one mile of any forest land any steam or internal combustion engine which is not provided with an adequate spark arrester kept in constant use and repair, provided, however, that the State Forester may waive the provisions hereunder in regard to spark arresters on internal combustion engines or oil-burning steam engines where the exhausts are located outside of the smokestack.

(2) All steam engines shall be equipped with ash pans adequate to prevent the escape of fire therefrom

(3) No one shall operate during the closed season in or within one-eighth of a mile of any forest land any locomotive burning other than oil fuel which is not provided with an efficient screen for the ash pan adequate to prevent the escape of fire therefrom.

(4) No person shall fail to comply with the foregoing provisions of this section or shall operate or allow to be operated any locomotive, steam or internal combustion engine in violation of the terms hereof.

(5) Escape of fire from any engine shall be prima facie evidence that it has not been maintained adequately in compliance with this section. Upon proof that any prosecution has been instituted under this section by any warden, any court of competent jurisdiction shall enjoin the further use of the engine involved until the defendant has been acquitted of the charge preferred or until the engine is equipped and maintained in compliance with this section to the satisfaction of the warden, or until the defendant has been acquitted and the engine is equipped and maintained in compliance with this section to the satisfaction of the warden

477.184 Fire extinguishing equipment for engines. Everyone operating any stationary steam or internal combustion engine during the closed season in or within 300 feet of any inflammable debris on any forest land shall provide at each engine setting an efficient

pressure pump with adequate water supply or provide a gravity water system therefor, either of which shall be of sufficient size and capacity to give not less than 40 pounds' pressure on 500 feet of hose one inch or over in diameter, and shall also equip such engine or gravity system with not less than 500 feet of hose one inch or over in diameter, with nozzle not less than one-fourth of an inch in diameter, kept in condition for effective use, provided, however, that an engine operated within 150 feet of another engine properly equipped with pump or provided with gravity water system and at least 500 feet of hose one inch or over in diameter equipped with such nozzle shall be exempt from such requirements [Amended by 1953 c.68 §19]

477.186 Mill or woods operation; quantity and kinds of tools; power-driven equipment, tools with. (1) Everyone conducting a mill or woods operation in or within one-eighth of one mile of forest land shall maintain at the woods landing or mill or at a location designated by the forester or a warden, in condition and readiness for fire fighting purposes at all times during the closed season, except when in use for fighting fires, a tool box and sufficient tools to equip the entire woods or mill personnel, or both, for fighting fire.

(2) The tools shall consist of shovels, hazel hoes, axes, water buckets, pump cans and such other tools as the forester or warden shall specify; provided, however, that the number of such tools shall not be less than four nor more than 100, exclusive of felling and bucking tools, for each woods or mill operation. When two or more pieces of power-driven equipment are used at a landing or "side" and such equipment is in excess of 600 feet distant from another piece of such equipment, tool boxes and tools, as provided in this section, shall be maintained at each piece of equipment.

(3) Each piece of gas or diesel power-driven equipment used in logging or sawmilling shall be equipped with a fire extinguisher of a size and capacity as approved by the forester, kept in constant repair and readiness for instant use.

(4) All trucks transporting forest products over forest roads shall be equipped with not less than one shovel, one axe and a fire extinguisher of a size and capacity as approved by the forester, kept in constant

repair and readiness for instant use [Amended by 1953 c.68 §19]

477.187 Additional fire protection facilities for logging or sawmill operation. (1) During the closed season, when in the judgment of the forester any logging or sawmill operation in or within one-eighth of one mile of forest land has a fire hazard requiring additional fire protection facilities, the logging or sawmill operator, upon written notice from the forester, shall provide in the operation one or more portable pumps of a size and capacity with attachable hose of length, diameter and capacity as specified in the notice as necessary to safeguard the operation from fire, and provide water for such designated pump and hose.

(2) During the closed season, when in the judgment of the forester any sawmill operation located in or within one-eighth of one mile of forest land where gravity or pressure water systems are unavailable constitutes a fire hazard requiring special fire protection, the sawmill operator, upon written notice from the forester, shall provide in the operation barrels of at least 50 gallons capacity filled with water with one bucket of not less than two gallons capacity at each barrel. The number of barrels and the location of each barrel shall be as specified in the notice [1953 c 68 §19(4),(5)]

477.188 Clearing or moistening ground; watchman service; waiver of requirements. During the closed season no person shall operate any stationary power-driven logging equipment or any power-driven logging equipment used in a stationary manner in or within 150 feet of any forest land unless the ground for a distance of 50 feet around such equipment is cleared of all inflammable debris, or is kept sufficiently moist to prevent the starting of fires. Every such operator shall, during the closed season, provide watchman service on his operation area which, in the judgment of the forester, is adequate for the conditions existing. Unless specifically modified by the forester, the watchman service shall consist of not less than one competent man for each logging side or mill, who shall be constantly on duty until 8 p m every day the equipment is operated. Under no conditions shall the watchman service be of less than three hours' duration after such power-driven equipment has been shut down for the day. The State Forester may waive the provisions

herein contained in reference to clearing of debris and moistening the ground, or either, whenever in his judgment the operation is not of sufficient duration to justify such action [Amended by 1953 c 68 §19]

477.190 to 477.210 [Reserved for expansion]

PLANT, MACHINERY AND EQUIPMENT REGULATIONS GENERALLY; SNAGS

477.212 Additional equipment for operation using logging railroad and truck roads.

(1) When, in the judgment of the forester, a logging operation, using a logging railroad, is of sufficient size and so planned and operated as to justify additional protection from fire, the owner or operator of the logging railroad shall, when so directed by the forester, by a 30 days' notice in writing, provide additional protection consisting of a tank car of not less than 6,000 gallons' capacity properly equipped with an efficient power pump of sufficient size to give not less than 40 pounds' pressure at a nozzle one-fourth inch or larger in diameter when attached to 800 feet of hose one inch or larger in diameter, the pressure to be measured at the pump level. The pump shall be equipped with not less than 800 feet of hose one inch or larger in diameter kept ready for instant use in fighting forest fires.

(2) Every logging operator using truck roads for the transportation of logs or other forest products shall, upon 30 days' notice in writing by the forester, provide a tank truck or portable water tank of not less than 200 gallons' capacity, unless one of lesser capacity is approved by the forester, properly equipped with an efficient power pump of sufficient size to give not less than 40 pounds' pressure at a nozzle one-fourth inch or larger in diameter when attached to 500 feet of one-inch or larger hose, the pressure to be measured at the pump level. The pump shall be equipped with not less than 500 feet of hose one inch or larger in diameter and nozzle not less than one-fourth inch in diameter.

(3) All such equipment shall, during the fire season of each year, be kept in constant readiness for instant use in fighting forest fires. However, nothing herein contained shall prohibit the use of the equipment by the operator for sprinkling roads or other uses within the operation area [Amended by 1953 c 68 §19]

477.214 [Repealed by 1953 c.68 §19]

477.215 Requirements concerning the installation or operation of a mill or plant.

(1) Anyone operating a mill or plant from which refuse is burned in or within one-eighth of one mile of forest land shall provide and maintain a closed refuse burner of a type and size which, in the judgment of the forester is adequate to prevent the spread of fire, unless the forester specifies other measures in lieu thereof as equally adequate to prevent the spread of fire. The ground around the mill or plant, including the required refuse burner, shall be cleared for a distance of not less than 200 feet unless in the judgment of the forester a lesser distance shall be specified.

(2) Anyone operating a mill or plant, for the prefabrication or manufacture of forest products from which refuse is disposed of in forest land without burning, shall clear the ground around the mill or plant for a distance of not less than 200 feet, unless in the judgment of the forester a lesser distance shall be specified. The forester, during the closed season, shall require a cleared fire line around such refuse which in his judgment is adequate to reduce fire hazard conditions.

(3) Anyone who shall construct or install a mill or plant for the prefabrication or manufacture of forest products in or within one-eighth of a mile of forest land shall first obtain a written permit from the forester. The permit shall contain requirements which in the judgment of the forester are adequate to prevent the spread of fire from the mill or plant or refuse. [1953 c.68 §16]

477.216 Felling snags; area requirements; designation of areas. (1) All snags over 15 feet in height and within 200 feet of a logging engine setting in any forest land shall be felled before an engine is operated at the setting.

(2) On forest land west of the summit of the Cascade Mountains, and including all of Hood River County, all snags (standing dead trees) over 25 feet in height and 16 inches in diameter shall be felled currently with the felling of the live merchantable timber on areas where all or substantially all the merchantable timber is cut, provided that on areas where the timber has been killed prior to logging, by fire, insects or wind-throw, the number of snags required to be felled per acre shall not exceed the average number of snags per acre on areas

of live merchantable timber in the same county, as determined by the State Forester. In this region on areas where only part of the live merchantable timber is cut and removed, the number of snags felled shall be in the same proportion to the total number of snags as the live merchantable timber removed is to the entire stand on such areas, as determined by the State Forester.

(3) On areas where all snags of the size designated are not felled, as herein provided, the forester may designate the portions of the cutover areas on which the total required number of snags shall be felled [Amended by 1953 c 68 §19]

477.218 Violation of ORS 477.184 to 477.188 and 477.212 prohibited; injunctive relief. Any person violating any provisions of ORS 477.184 to 477.188 and 477.212 shall be enjoined from the further use of such logging equipment, mill or plant until proper equipment as required by these sections is provided and ready for use. [Amended by 1953 c 68 §19]

477.220 to 477.240 [Reserved for expansion]

SLASHINGS; RIGHTS OF WAY

477.242 Slashings; annual burning required. Any person engaged in harvesting forest products, or permitting harvesting of forest products upon any lands in this state, thereby creating a fire hazard, shall, unless relieved by the State Forester, as provided in ORS 477.244, each year remove such hazard by burning the annual slashing at such time and in such manner and with such provisions of help as shall afford all necessary precaution against the spread of fire to other property.

477.244 Burning slashings; closed season; methods; exceptions; release; orders. (1) All burning during the closed season of annual slashing as required by ORS 477.242 shall be done in accordance with the provisions of ORS 477.152 and 477.154. Before any such burning during the closed season, the person shall first cut down all dead trees and snags over 25 feet in height for a distance of not less than 250 feet inward from any exterior boundaries of such slashings which are adjacent to standing timber or reproducing areas.

(2) However, upon the finding of the forester that such burning will create additional fire hazard, or will do excessive dam-

age to reproduction or residual stands, or will retard restocking, or where by reason of these or other similar causes the operator or landowner in writing requests to be relieved from the requirements of burning, the forester may relieve by written authorization such person from the requirements of ORS 477.242 with respect to part or all of the operation area if the person shall provide additional protection adequate to offset the hazard created by the slashing until the forester finds that the hazard has been satisfactorily reduced through deterioration or other natural means.

(3) Upon the finding of the forester that the hazard created by the slashing has been removed by burning, or that the hazard has been satisfactorily reduced through deterioration or other natural means, he shall issue to the operator or landowner a release from all obligations imposed by the provisions of ORS 477.242 and 477.244.

(4) Where it is the finding of the forester that the slashing should not be burned, and where the operator or landowner in writing requests an immediate release as herein provided, the forester may, if he deems such action advisable, grant such release upon payment by the operator or landowner of the sum of money which the forester shall find requisite to provide the additional protection necessitated by the hazard created by the slashing, provided that in no event shall it exceed \$1 for each 1,000 board feet of timber harvested.

(5) Any order made by the forester pursuant to the duties imposed upon him by ORS 477.242 and 477.244 shall be final unless modified or vacated in an appeal taken within 30 days after the issuance of such order. [Amended by 1953 c 68 §19]

477.246 Clearing rights of way; permit; placing clearing debris on another's land.

(1) Everyone shall, before clearing any right of way for any highway or railroad, or any power, commercial telegraph or telephone line, or for any transmission or transportation utility right of way on any forest land, whether upon his land or that of another, where the clearing would constitute a fire hazard, file with the forester a general description of the right of way to be cleared. The forester shall issue a written permit for such clearing. The permit shall set forth the precautionary conditions and manner under which the clearing shall be done. The above requirements shall not

apply to railroad spurs not exceeding one-half mile in length nor to temporary minor wagon roads to be used for transporting forest material

(2) No one at any time engaged in clearing any right of way or forest land shall place on adjoining land or property any forest material or debris resulting from such clearing without the permission of the owner of the adjoining land

477.248 Clearing rights of way on forest land by state, counties or cities. No contract for the construction of any trail, highway or railroad, or power, light, telegraph or telephone line, or for any transmission or transportation utility, shall be let by the state, or any county or city, or any boards, bodies or officers thereof, unless the contract contains specific provisions for clearing the right of way therefor in conformity with ORS 477.246 and the permit issued by the State Forester therefor. No such work performed for the state, county or city body, or the officers thereof, shall be accepted by it until the provisions of this section and of the permit have been complied with. ORS 477.246 applies when any state, county or city body, or officers clear any right of way by force account. Upon failure of any state, county or city body or officers to clear any right of way in conformity with the provisions of ORS 477.246, the forester shall, upon complaint of any interested party, or upon his own motion, investigate the condition existing, and if the provisions of that section have not been complied with, he shall notify the state, county or city body, or officers responsible and set a reasonable time within which the provisions of that section shall be complied with. Upon failure to comply with these provisions within the time specified, the forester may have the right of way cleared in conformity with the requirements of ORS 477.246. The expense of the work, together with the expense of any patrol rendered necessary, shall be paid by the forester and certified by him to the county or city in or by which the work was performed and shall be paid by such county or city, as the case may be. If the work is being carried on by the state, the certificates shall be transmitted to the proper state body or officer and shall be paid as an expense of such office. In case of private enterprises the expense of removal and any necessary fire patrol shall be collectible as debts are collected, by action in the name of the state.

477.250 to 477.270 [Reserved for expansion]

RESTRICTING USE OF FIRE AND POWER-DRIVEN MACHINERY IN FOREST LANDS

477.272 [Repealed by 1953 c 152 §10]

477.274 [Repealed by 1953 c.152 §10]

477.276 [Repealed by 1953 c 152 §10]

477.278 [Repealed by 1953 c.152 §10]

477.280 [Repealed by 1953 c 152 §10]

477.282 When use of fire or power-driven machinery prohibited. Whenever or wherever during any day or days or portion thereof during the closed season, the forest land situated west of the summit of the Cascade Mountains and including all of Hood River County, or any part thereof, is susceptible to damage by fire due to low humidity, high wind or high temperature or due to the existence thereon of an excessive amount of inflammable debris, or due to a combination of any such conditions, and the forester shall issue or cause to be issued notice to that effect, the use of fire in any form except for fire control under the supervision of the forester, or the use of any power-driven machinery in any operation hereby is declared to be unlawful on said area for said period or periods unless approved by the forester, such approval shall be granted only when in the judgment of the forester the activity will not increase the fire hazard conditions [1953 c 152 §2]

477.284 State Forester to determine existence of hazard; notice to entrant. The forester shall determine as to any day or part thereof, or other period of time, when conditions exist as to any forest area as stated in ORS 477.282. The forester shall give notice to any person entering or being upon said area during said period to the effect that the use of fire in any form on said area during said period is unlawful unless approved as stated in ORS 477.282. [1953 c 152 §3]

477.286 Permit to use fire or power-driven machinery; conditions. On and after January 1 of any year, or any part thereof, every person in the State of Oregon conducting an operation using fire in any form or power-driven machinery, shall first obtain a written permit from the forester which shall provide:

(1) Permittee shall take reasonable precautions which in the judgment of the forester are necessary in the use of fire and to prevent the spread of fire on or from an operation.

(2) Permittee shall designate a representative authorized to act on all matters having to do with fire control, which representative shall be available at all times by direct means of communication with the forester.

(3) Permit shall state by legal subdivisions the area upon which any activity for the removal or cutting of a forest crop is being conducted.

(4) Permit shall be posted at a conspicuous place at the headquarters of the operation.

(5) Permittee operating west of the summit of the Cascade Mountains and including all of Hood River County, shall close down any part or all of the operation during any day, or part thereof, or any period of time when, in the judgment of the forester, conditions exist as described in ORS 477.282 and the permittee is so notified.

(6) Permittee operating west of the summit of the Cascade Mountains and including all of Hood River County, shall furnish and maintain such weather instruments as the forester may prescribe as adequate in his judgment to indicate fire hazard conditions [1953 c.152 §4]

477.288 Authority to issue, refuse, suspend or revoke permit. The forester is authorized to issue the permits required in ORS 477.286 and to suspend or revoke such permits because of violation of the terms thereof or noncompliance with the forest laws of the State of Oregon. He shall refuse to issue a permit to any person for the conduct of an operation when, in his judgment, an excessive amount of forest debris in and around the operation makes the operation extremely susceptible to fire damage to adjoining property. [1953 c.152 §5]

MISCELLANEOUS PROVISIONS

477.302 Appropriations by counties for forest protection. County boards of commissioners may appropriate money for forest protection under the provisions of ORS 476.715, 477.004, 477.006, 477.010, 477.012, 477.014, 477.062 to 477.071, 477.152, 477.154, 477.165, 477.182, 477.184, 477.187, 477.188, 477.212 to 477.218, 477.242 to 477.248, 526.010 and 526.020. Expenses incurred by

any county board of commissioners in accordance therewith shall be a proper county charge.

477.304 Clearing ground around campfire required; leaving campfire burning or unattended prohibited. No one shall build a campfire upon lands within this state, not his own, without first clearing the ground immediately around it free from material which will carry fire, or leave on such lands a campfire burning or unattended, or permit a campfire to spread thereon.

477.306 Wilful injury to or removal of notice prohibited. No person shall wilfully deface, injure, destroy or remove any warning placard or notice posted by or under the direction of the board or the forester, or under the authority of the United States Forest Service, relating to the protection of forests or the prevention of forest fires.

477.308 Private informer to receive one-half of fine; disposition of fines. Any person not employed and compensated as a warden who detects anyone violating any of the provisions of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.216, 477.218, 477.242 to 477.246, 477.304, 477.306, 477.312 and 761.420 and furnishes information leading to the arrest and conviction of such person, shall, upon his conviction, receive one-half of the fine paid by the person so convicted. Otherwise all fines imposed under these sections and the sections providing a penalty for their violation, less the cost of collection, shall go into the general fund of the county in which conviction is had.

477.310 Civil liability in damages for violations of forest protection law. In addition to the penalties provided in ORS 164.050 to 164.070, 166.330, subsection (5) of ORS 476.990, subsections (1) to (3), (6) to (9) and (13) to (15) of ORS 477.990 and subsection (4) of ORS 761.990, the United States, state, county or private owners whose property is injured or destroyed by fires in violation of ORS 164.050 to 164.070, 166.330, 476.715, 477.004, 477.006, 477.010, 477.012, 477.014, 477.062 to 477.071, 477.152, 477.154, 477.165, 477.182, 477.184, 477.187, 477.188, 477.212 to 477.218, 477.242 to 477.248, 477.304, 477.306, 477.312, 526.010, 526.020 or 761.420 may recover in a civil action double the amount of damages suffered if the fires occurred through wilfulness, malice or negligence. Persons causing fires by violation of

any of the provisions of the sections enumerated in this section shall be liable in action for debt to the full amount of all expenses incurred in fighting such fires.

477.312 District attorneys to prosecute for violations of the forest protection law; application of section to magistrates. (1) Whenever an arrest is made for a violation of any of the provisions of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.216, 477.218, 477.242 to 477.246, 477.304, 477.306 and 761.420, or whenever information of such violation is lodged with him, the district attorney for the county in which the criminal act was committed shall prosecute the offender with all diligence and energy. No district attorney shall fail to comply with the provisions of this section. Prosecution against the district attorney for failure to comply shall be conducted by the Attorney General.

(2) The penalties of subsection (15) of ORS 477.990 shall apply to any magistrate, with proper authority, who refuses or neglects to issue a warrant for the arrest of any person when complaint under oath of violation of any provisions of the aforementioned sections has been lodged with him.

477.314 Jurisdiction of courts over actions to recover costs for protecting forest lands; disposition of moneys collected. Justices of the peace and district courts shall have concurrent jurisdiction with the circuit courts of all actions by the state for the recovery of the cost of protecting forest or cutover lands incurred by the State Forester or district fire warden acting with his consent, under the provisions of ORS 477.062 and 477.248. All moneys collected under the provisions of such sections, excepting fines, shall be paid into the State Treasury and become a part of the fund appropriated for the payment of salaries and expenses of and in connection with the officers of the State Board of Forestry, and shall be expended as other moneys so appropriated are expended.

477.316 to 477.980 [Reserved for expansion]

PENALTIES

477.990 Penalties. (1) Violation of subsection (1) of ORS 477.014 is punishable, upon conviction, by a fine of not less than \$20 nor more than \$250, or by imprisonment

in the county jail for not less than 10 nor more than 90 days, or both.

(2) Violation of subsection (2) of ORS 477.014 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100.

(3) Violation of the provisions of ORS 477.152 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$250, or by imprisonment in the county jail for not less than 10 nor more than 60 days.

(4) Violation of any provision of ORS 477.156 to 477.162 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$250, or by imprisonment in the county jail for not less than 10 nor more than 60 days.

(5) Anyone violating the provisions of ORS 477.165 or 477.215 shall be punished by a fine of not less than \$25 nor more than \$250, or by imprisonment in the county jail for not less than 10 days nor more than 60 days.

(6) Violation of subsection (4) of ORS 477.182 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100 for each engine or locomotive without such spark arrester or ashpan, and the violator shall be enjoined from further use of the engine or locomotive until the spark arrester or ashpan, or both, are provided.

(7) Any person who fails to comply with any of the provisions of ORS 477.184 to 477.188 and 477.212 shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for not less than 10 nor more than 90 days.

(8) Violation of the provisions of ORS 477.216 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not less than 10 nor more than 90 days.

(9) Violation of the provisions of ORS 477.242 and 477.244 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$250, or by imprisonment in the county jail for not less than 10 nor more than 60 days.

(10) Violation of ORS 477.246 or of the terms of the permit mentioned therein is punishable, upon conviction, by a fine of not less than \$25 nor more than \$250 for each offense.

(11) Violation of the provisions of ORS 477.282 to 477.288 shall be punished by a fine of not less than \$25 nor more than \$250,

or by imprisonment in the county jail for not less than 10 days nor more than 60 days.

(12) In addition to the penalties provided in ORS 477.282 to 477.288 or subsection (11) of ORS 477.990, any person conducting an operation thereunder without having a permit as therein provided or during any period in which said permit shall have been suspended or revoked shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined not less than \$50 nor more than \$500 or by imprisonment in the county jail for not less than 10 days nor more than three months or be punished by both said fine and imprisonment, as to the court shall seem proper. Each day's operation during said closed season or any extension thereof without such a permit or during any period when said permit shall have been suspended or revoked, shall constitute a separate and distinct violation of ORS 477.282 to 477.288.

(13) Violation of ORS 477.304 is punishable, upon conviction, by a fine of not less than \$5 nor more than \$100, or by imprison-

ment in the county jail for not less than two nor more than 60 days.

(14) Violation of ORS 477.306 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$50, or by imprisonment in the county jail for one day for each \$2 of the fine imposed, in case of its non-payment

(15) Violation of ORS 477.312 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$1,000. [Amended by 1953 c.68 §19; subsection (5) enacted as 1953 c.68 §17; subsections (11) and (12) enacted as 1953 c.152 §§6,7]

477.992 Jurisdiction of courts over certain criminal prosecutions. Justices of the peace and district courts shall have concurrent jurisdiction with the circuit courts of all prosecutions for violations of provisions of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.216, 477.218, 477.242 to 477.246, 477.304, 477.306, 477.312 and 761.420, excepting prosecutions for violations of ORS 164.050 which shall be under the jurisdiction of the circuit courts.

