

Chapter 565

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THE OREGON STATE FAIR

565.010 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means "county fair board."
- (2) "Commission" means "Oregon State Fair Commission."

565.020 Oregon State Fair Commission established; members; term; compensation; executive secretary. (1) The Oregon State Fair Commission, hereby established, shall consist of five members to be appointed by the Governor for terms of four years. The Governor shall appoint as a member a resident from each congressional district in Oregon and one additional member who resides in Oregon. A vacancy on the commission shall be filled for the unexpired term by appointment by the Governor.

(2) Each member of the commission shall receive \$10 for each day when actually engaged in the performance of official duties as a member, together with expenses necessarily incurred, such reimbursements to be made from money appropriated to the Oregon State Fair Commission for such purposes.

(3) The commission may employ an executive secretary at a salary to be fixed by the commission and such other employees as may be required. The commission may delegate to the executive secretary any of its administrative authority, powers or duties.

565.030 Commission to manage and control state fair. The Oregon State Fair Commission shall manage and control the Oregon State Fair in all respects.

565.040 Oregon State Fair established. There is established a state institution to be designated and known as the Oregon State Fair.

565.050 State fair purposes; duration; date. The objects and purposes of the Oregon State Fair are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. To this end the management of the fair shall provide an annual state fair or exposition of all said enumerated products. The fair shall be conducted for a period of not more than two weeks, as the management designates, be-

ginning at such date as the commission directs.

565.060 Rules and regulations; fiscal year. (1) The commission may adopt such rules and regulations, not inconsistent with law, as in its judgment may be calculated to contribute to the advancement of the purposes indicated in ORS 565.040 to 565.110.

(2) The fiscal year for the Oregon State Fair shall commence on July 1 and close on June 30 of the following year.

565.070 Bonds of employees. All persons authorized by the commission to receive or disburse money in connection with the administration of the Oregon State Fair shall be required to give a good and sufficient bond in such form and amount as the commission may prescribe.

565.080 Management of state fair; powers of commission; peace officers; state not liable for premiums. (1) The commission shall have care of the state fair property and be intrusted with the entire direction of the state fair business and financial affairs. It shall, in conformity with the provisions of ORS 565.040 to 565.110, prepare, adopt, publish and enforce all necessary rules for the management of the state fair, its meetings and exhibitions and for the guidance of its officers or employees.

(2) The commission may appoint all necessary marshals to keep order on the grounds and in the buildings of the state fair during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.

(3) The commission may charge entrance fees, gate money, lease stalls, stands, restaurant sites, give prizes and premiums and do all other things which by the commission may be considered proper to conduct in connection with the state fair, not otherwise prohibited by law; but in no event shall the state be liable for any premium awarded or debt created by the commission beyond the amount annually appropriated therefor.

565.090 Location of state fair; purchase of adjacent land. (1) The Oregon State Fair shall be permanently located on the present grounds now owned by the state and heretofore devoted to state fair purposes, located north of the city of Salem, in Marion County. Those grounds and such additional lands as

may hereafter be obtained in connection therewith are dedicated for the use of the Oregon State Fair.

(2) The commission may purchase such fraction of an acre of land adjacent to the grounds as it may deem necessary and advisable to facilitate the use of such grounds.

565.100 State Fair Account; deposit and withdrawal of funds. (1) All moneys received by the commission, to the credit of the Oregon State Fair shall be paid over by the commission to the State Treasurer for credit to the General Fund in an account to be known as the State Fair Account. Such moneys shall constitute an appropriation for the purpose of carrying out the provisions relating to the Oregon State Fair contained in ORS 565.040 to 565.120 and 565.610 to 565.630.

(2) The State Treasurer shall pay out the State Fair Account upon warrants of the Secretary of State in the same manner as other funds appropriated for the use of the commission are paid out.

565.110 Commission bank account; inspection by Secretary of State. (1) Notwithstanding subsection (2) of ORS 565.100, in order to pay promptly prize moneys, premiums, wages, necessary costs of repairs and other claims requiring prompt payment in connection with the Oregon State Fair, the commission may at any time during the year, file a voucher with the Secretary of State for such amount as it deems necessary to make such payments. The Secretary of State shall draw his warrant upon the State Fair Account for the amount of such voucher, payable to the Oregon State Fair Commission. The commission shall place any moneys so drawn from the State Treasury in a bank and may withdraw such money for the purpose of paying expenses in connection with the Oregon State Fair, by checks signed by the commission or by its officer or employee authorized so to do in writing by the commission, which written authorization shall be filed with the Secretary of State.

(2) The commission shall, at the end of the fiscal year of the State of Oregon, file with the Secretary of State a complete list of all such checks drawn, together with the list of warrants drawn on the State Fair Account and deposited into the checking account of the Oregon State Fair. All canceled checks for such expenditures shall be re-

tained by the commission subject to audit and inspection by the Secretary of State.

565.120 Licenses to do business on state fair grounds; disposition of proceeds. The commission is authorized to issue a license for a period of not to exceed two weeks during each year, permitting the holder of the license to conduct any business therein named upon the state fair grounds for a period of two weeks or less at such price as the commission may determine. The funds arising therefrom shall become a part of the funds deposited with the State Treasurer under ORS 565.100.

565.130 Businesses which may be licensed; commission sole recipient of license fees; duration of license. (1) Licenses under ORS 565.120 may be issued permitting any business to be conducted upon the fair grounds which under the laws of this state may be conducted at any place within the state, including the sale of malt, vinous or distilled liquor.

(2) Any business so licensed by the commission shall not be required to pay license to any city, county or state, other than to the commission as provided in ORS 565.120, for conducting a business upon the fair grounds; except that nothing in this section shall interfere with the laws of this state requiring a license to be obtained from the Oregon Liquor Control Commission for the sale or distribution of alcoholic liquors, provided that said license is issued for the two weeks or less period during which the fair is held.

565.140 to 565.200 [Reserved for expansion]

COUNTY FAIRS AND SHOWS

565.210 County fairs; authority; county fair board; members; appointment; term; bond. (1) Any county may hold county and industrial fairs; but only one county fair shall be held in each county.

(2) In counties holding county fairs, the county court or board of commissioners of such county shall appoint a board consisting of three resident tax paying citizens of the county, to be known as the county fair board. When the first members of the board are appointed under this section, one member shall be appointed for one year, one for two years, and one for three years. Annually thereafter, at the first meeting in January,

one member shall be appointed to serve for three years.

(3) The court shall require each member of the board to furnish a good and sufficient bond in favor of the county in a sum not less than the amount of the annual appropriation received from the state for the support of the fair, conditioned upon the faithful performance of the duties of his office. The bond when approved by the county court shall be filed with the county clerk. The premium on the bond shall be paid for by the county, the same as bonds for other county officers.

565.220 County fair board; organization; quorum; president and secretary. (1) The members of a county fair board shall, as soon as their bonds have been filed and approved, meet and organize by electing a president and selecting a secretary.

(2) Two members of the board shall constitute a quorum for the transaction of all business at meetings. In the absence of the president another member of the board shall perform the duties of the president.

(3) The secretary provided for in subsection (1) of this section is not required to be a member of the board. The secretary shall execute a bond, as required of board members by ORS 565.210. [Amended by 1953 c.675 §12]

565.230 Management of county or district fairs; licenses; disposition of proceeds.

(1) The board has the exclusive management of the ground and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair, and is entrusted and charged with the entire business management and financial and other affairs of such fair.

(2) In order that the fair grounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the board shall at all times have the authority to issue licenses and grant permits for the holding of any shows, carnivals, circuses, dances, entertainments or public gatherings upon the fair grounds and which would otherwise require a license or permit issued by the county clerk. During the progress of county or district agricultural or industrial fairs and not otherwise, any such businesses so licensed by the board shall not be required to pay license to any city or county other than to the board as provided in this section. The board shall fix the sum to be paid for such permits and licenses,

which shall be issued and signed by the president and secretary of the board. The moneys received from the issuance of such permits and licenses shall be deposited to the credit of the fair fund and warrants drawn against it the same as upon the disbursement of any other fair funds. [Amended by 1953 c.675 §12]

565.240 Rules and regulations; peace officers; appointment and powers. The board may make and enforce all rules and regulations necessary for the proper conduct and management of their respective fairs. It may appoint such marshals or police as may be necessary to keep order and preserve the peace during the time and at the place of holding the fairs and at all other times when the board deems such appointments necessary for the preservation of the peace and the protection of public and private property upon the fair grounds. The officers so appointed have the same authority for the preservation of order and making arrests upon the grounds as would a deputy sheriff.

565.250 Collection and dissemination of information; cooperation with agricultural and industrial organizations; inscriptions on exhibits; financial statement. (1) The board may collect and disseminate such information as is calculated to educate and benefit industrial classes, develop the resources and advance the material interests of the state and may collect and distribute such reliable information as will encourage immigration, land settlement and the industrial and agricultural development of the county.

(2) In carrying out the intent and purpose of subsection (1) of this section, the board may cooperate with the various granges of the county, other organized agricultural societies or organizations, industrial organizations of the county, chambers of commerce or other organizations of similar nature and purpose.

(3) Whenever the board provides any part of or all the cost and expense of the preparation, planning or placing of exhibits, advertising or correspondence, the same shall bear one of the following legends upon a card, or otherwise suitably inscribed or printed:

(a) "By authority of the (name of county) fair board."

(b) "By authority of (name of county) fair board in cooperation with the (name of society or organization)."

(4) The board shall, on or before December 1 of each year, file with the county clerk a complete financial statement showing all funds received and disbursed. There may be included in the report such suggestions and recommendations as in its opinion would make for the improvement and advancement of agricultural and kindred industries of the fair.

565.260 Fair board or agricultural society existing prior to June 4, 1913. Where there existed on June 4, 1913, a county fair board, or an agricultural society in any county holding a county fair in such county, such board shall be considered the county fair board of such county by the provisions of ORS 565.210 to 565.310, and shall be governed under the rules and bylaws already in force of such association; provided, there shall be only one county fair held in each county.

565.270 Annual appropriation; state tax; levy and apportionment. For the purpose of maintaining the several county fairs, land product shows and livestock exhibitions, and constructing good roads in the several counties, as provided in ORS 565.210 to 565.310, there is appropriated annually out of any funds in the hands of the State Treasurer, not otherwise appropriated, such a sum as may be raised by levying a tax of one-twentieth of a mill upon the taxable property of the state as last equalized by the State Tax Commission. The tax shall be apportioned among and collected from the several counties, as their state taxes are apportioned and collected.

565.280 Distribution of tax collected; undistributed funds transferred to county road funds. (1) Each June 1 the Secretary of State shall draw a warrant upon the State Treasurer in favor of each county treasurer in the state for such amount as may be raised by levying a tax of one-twentieth of a mill upon the taxable property of such county as last equalized by the State Tax Commission. However, any one county shall not receive more than \$16,500.

(2) Any funds raised by the provisions of ORS 565.210 to 565.310 remaining in the hands of the State Treasurer, after the provisions of ORS 565.210 to 565.310 have been complied with, shall be equally divided among the counties of this state, and transferred to the road funds of the counties.

565.290 Use and disbursement of funds by counties. (1) Should a county through its county fair board decide to hold a fair, the funds paid to the county treasurer as provided in ORS 565.280 shall be used in the payment of premiums at such fairs. No part of such funds shall be awarded as premiums or prizes for trials of speed.

(2) Should a county fair be held, such funds in the hands of the county treasurer shall be disbursed upon warrants drawn by the board and signed by the president and secretary thereof.

(3) In any county in this state where a state fair is held, all money received under ORS 565.210 to 565.310 shall be disbursed upon warrants ordered drawn by the Oregon State Fair Commission for the purpose of paying premiums at the Oregon State Fair or for such other purposes as are authorized by ORS 565.310 when recommended to the commission by the county court of such county and approved by the commission.

(4) Except as provided in subsection (5) of this section, the county court of any county receiving the maximum of funds as provided in ORS 565.280 shall determine which certain fairs, land products or livestock shows shall be entitled to receive such funds, and the amount of each to be received, and upon the order of the court the county treasurer shall disburse as provided in subsection (2) of this section.

(5) Upon application of the president of each of the following organizations, the board of county commissioners shall turn over to the treasurer of the respective organization, not later than July 31 of each year the sum indicated out of the funds received by Multnomah County under ORS 565.280:

(a) Pacific International Livestock Exposition	\$4,500
(b) Oregon Poultry and Pet Stock Association	\$1,500
(c) Multnomah County Fair.....	\$5,000
(d) Manufacturers and Land Products Show	\$4,500
(e) Pacific National Dairy Show....	\$1,000

(6) The money received by such organizations as prescribed in subsection (5) of this section shall be used exclusively for the purpose of paying premiums on exhibits at the annual show held under the direction and control of the respective organization.

565.300 Northwestern Turkey Show; treasurer's bond and report. (1) The treas-

urer of the Northwestern Turkey Show shall file with the Secretary of State a surety bond running to the state in a sum equal to the amount which the Northwestern Turkey Show is entitled to receive under ORS 462.280, conditioned upon the faithful performance of the duties of his office.

(2) Not later than March 1 of each year, said treasurer shall file with the Secretary of State a detailed report of all expenditures made from the appropriation provided for in ORS 462.280.

565.310 County fair not held; disposition of funds. Should a board decide not to hold a county fair, the county court may in its discretion expend such funds, or any portion thereof, for paying premiums upon exhibits of livestock, agricultural and horticultural products at any fair, land products show or livestock exposition held in this state. Any or all of such funds not so used shall be held by the county treasurer in a reserve fund to be available for use by the county fair board in subsequent years.

565.320 Fairgrounds; purchase; special tax levy; fair association fund. (1) For the purpose of purchasing lands for fair sites or liquidating existing indebtedness thereon, any county court authorized by a majority vote of the legal voters of the county at a special election called for such purpose as provided in subsection (4) of this section, shall, at the regular January term of the court next following the date of the special election, levy a special tax, not exceeding one mill on the dollar, upon the taxable property of the county as last equalized, of such amount as may be declared for at the special election.

(2) The special election shall only be called upon petition therefor containing the names of at least 10 percent of the registered voters of such county at the last general election being filed with the county clerk at least 10 days prior to any regular meeting of the county court.

(3) The petition shall state in brief and concise terms the purpose or purposes for which the money obtainable from such special levy is to be applied, whether to purchasing lands or sites for fairgrounds, making improvements and betterments or liquidating existing indebtedness, and shall state the amount of the levy necessary for such purpose.

(4) Upon the petition being filed as provided in subsections (2) and (3) of this sec-

tion, the county court shall, at its regular meeting next following the filing of the petition, make an order calling a special election for the purpose of submitting to the legal voters of the county the question as to whether the levy shall be made as petitioned for, and in the order shall fix the date of such special election not beyond 60 days from the date of the order. The ballots for such special election shall be prepared by the county clerk, contain a succinct statement of the purpose of such election as shown by the petition and shall contain the words: "For levy—Yes," and the words "For levy—No." At the election, the general election law as to posting notices of election, conducting the election, and otherwise so far as practicable, shall govern the holding of the special election.

(5) The special tax shall be collected in the same manner other taxes are collected and shall be placed in a special fund to be known as a fair association fund. Warrants shall be drawn thereon in favor of the fair association as fast as the fund accumulates.

565.330 Maintenance of fairgrounds and buildings; tax levy. In any county, after the people have voted a special tax to purchase a site for a fairgrounds and construction of buildings thereon, the county court shall, at the time of making the annual estimate of the county levy for county purposes, include in the estimate and levy a sum not exceeding one-fourth of one mill on the dollar of all the taxable property in the county, according to the assessment as made by the county assessor and equalized by the board of equalization, for the year in which the assessment and levy is made, to cover the cost of maintaining the county fairgrounds and buildings, erecting new buildings and general operating expenses. The tax shall be collected in the same manner as other taxes are collected, shall be placed in a special fund to be known as the fair fund and warrants drawn thereon by the county fair board.

565.340 [Repealed by 1953 c.675 §12]

565.350 [Repealed by 1953 c.675 §12]

565.360 [Repealed by 1953 c.675 §12]

565.370 [Repealed by 1953 c.675 §12]

565.380 [Repealed by 1953 c.675 §12]

565.390 [Repealed by 1953 c.675 §12]

565.400 [Repealed by 1953 c.675 §12]

565.410 to 565.500 [Reserved for expansion]

**AGRICULTURAL AND DISTRICT FAIRS;
EXHIBITS**

565.510 Agricultural and district fairs; appropriation by county court. Any county court or board of county commissioners may, in its discretion, appropriate not to exceed \$5,000 annually, for the purpose of holding and conducting an agricultural fair in such county or a district fair. [Amended by 1953 c.675 §12]

565.520 Superintendent of fair; assistants. The county court may appoint one competent person to act as superintendent of any fair held as authorized in ORS 565.510 to 565.550, under the direct supervision of the county court. The court may employ such additional assistance as may be necessary successfully to hold and conduct such agricultural fair.

565.530 District fairs; district fair board; location of fair. (1) Two or more counties in this state may join together and form a district and provide a district fair board for the purpose of holding and conducting an agricultural fair.

(2) The district fair board shall be composed of one member from each county in the district who shall be appointed by the county court of each county in the district. When the number of counties in the district is an even number, the members appointed from each of the counties shall select one additional member at large.

(3) The district fair board may hold and conduct the fair at any place within the district that may be by the district fair board agreed upon; and the money appropriated by each of the counties shall be expended in the conducting of such fair under the direction of the district fair board.

(4) The district fair board, regarding the holding and conducting of district fairs, has the powers and duties as provided by law for county fair boards regarding county fairs. [Amended by 1953 c.675 §12]

565.540 Premiums for exhibition contests. At least two-thirds of all money appropriated under ORS 565.510 shall be paid as awards or premiums in agricultural and livestock exhibition contests; and no part of said moneys shall be offered or paid as premiums for trials of speed, popularly known as track racing.

565.550 Purpose of ORS 565.510 to 565.550. The purpose of ORS 565.510 to

565.550 is to enable one or more counties to hold and conduct agricultural fairs for promotion and stimulation of the industries of agriculture and livestock and to vest in the district fair boards power to conduct such fairs for the common good of such industries. [Amended by 1953 c.675 §12]

565.560 Exhibits; application for appropriation by corporation, association or society; maximum appropriation. Any corporation, association or society organized for the purpose of holding poultry, livestock or agricultural product exhibits may apply to the county court of the county in which said exhibitions are proposed to be held for an appropriation not to exceed the sum of \$500 to pay expenses of such exhibits and premium awards.

565.570 Appropriation by county court; amount; payment. (1) To enable the county court to provide funds with which to pay the expenses of the exhibits and premium awards, it is authorized to appropriate such sum therefor, out of the general fund of the county not otherwise appropriated, as it may deem necessary for such purposes, not exceeding the sum of \$500 annually.

(2) The county court may, not later than July 31 annually, cause to be paid to the directors of the corporation, association or society or the authorized secretary or treasurer thereof, the amount appropriated; provided, however, that the corporation, association or society so applying must have held at least one annual exhibition of poultry, livestock or agricultural products during the year immediately preceding the application for the appropriation therefor, and must have provided buildings and other necessary arrangements for the annual exhibitions.

565.580 to 565.600 [Reserved for expansion]

REGULATIONS AND LAW ENFORCEMENT AT FAIRS GENERALLY

565.610 Doing business on fair grounds without license prohibited; construction; persons affected. (1) No person shall set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other articles of traffic, or shall sell or otherwise dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article of traffic whatever on any grounds owned or occupied by

the Oregon State Fair Commission, a county or district fair board or any county or district society formed for the promotion and encouragement of agriculture, stock growing or horticulture, or within one-half mile of such grounds, without having paid the commission, county or district fair board or such society their license for the privileges, or obtained the written consent of the commission, county or district fair board or of the president and secretary of such society.

(2) Nothing in this section shall restrain any person except during the sessions of the annual fairs or exhibitions or other public meetings of the commission, any county or district fair board or of such societies, and for two days prior and two days subsequent thereto; nor shall it extend to any person regularly and continuously carrying on business within one-half mile of the premises mentioned. [Amended by 1953 c.675 §12]

565.620 Admission to fairs except through special gates prohibited. No person or persons shall gain admission, or attempt to gain admission, to the grounds of the commission, county or district fair board or of any society mentioned in ORS 565.610 during their annual fairs or exhibitions, or at any public meetings of the commission, county or district fair board or societies on their grounds, or grounds occupied by them or either of them, except through the special gates kept by the commission, county or district fair boards or societies for that purpose. [Amended by 1953 c.675 §12]

565.630 Regulation of admission prices, licenses, etc.; violation of rules and regulations. The commission, any county or district fair board and every society mentioned in ORS 565.610 may regulate its prices of admission, licenses and all matters pertaining to the conduct of its annual fairs, exhibi-

tions or other public meetings, and impose penalties for violation of its rules and regulations, not inconsistent with the Constitution and laws of this state. [Amended by 1953 c.675 §12]

565.640 Peace officers; authority; power of arrest. The peace officers of the commission, county or district fair board or of any of the societies mentioned in ORS 565.610, during the continuance of each annual fair or other public meeting, and for three days prior and two days subsequent thereto, on the grounds owned or occupied by the commission, county or district fair board or such society for their fairs, exhibitions or other public meetings, shall have all the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.650 or other laws of this state, or the rules or regulations of the commission, county or district fair board or such society. [Amended by 1953 c.675 §12]

565.650 Justices of the peace given jurisdiction. Justices of the peace shall have jurisdiction of all offenses against the provisions of ORS 565.610 to 565.640.

565.660 to 565.980 [Reserved for expansion]

PENALTIES

565.990 Penalties. (1) Violation of ORS 565.610 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100. Any person who, after conviction and fine for a violation of ORS 565.610, repeats the offense shall, upon conviction, be fined double the maximum amount imposed by this subsection for the first violation.

(2) Violation of ORS 565.620 is punishable, upon conviction, by a fine of not less than \$5 nor more than \$10.

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