Chapter 564

Wild Flowers

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CROSS REFERENCES

564.020
Destruction or removal of trees on state highways, 377.030

564.010 Definition. As used in this chapter, "department" means "State Department of Agriculture."

564.020 Wild flower protection. (1) It is the duty of all citizens of this state to protect the wild flowers of this state referred to in this section from needless destruction and waste.

(2) It shall be unlawful for any person in this state to wilfully or negligently cut, dig up, trim, pick, remove, mutilate or in any manner injure or mar any plant, flower, shrub, bush, fruit or other vegetation growing upon the right of way of any public highway within this state, or upon public lands, or upon the land of another, within 500 feet of the center of any public highway, without the written permit of the owner, signed by the owner or his authorized agent.

(3) It shall be unlawful for any person to export from this state, or to sell or offer for sale or transport bulbs, corms, rhizomes, roots or plants of native wild flowers or shrubs of the state of any of the following genera:

(a) Lilium (including all wild lilies).

(b) Calochortus (mariposa tulip or butterfly lily).

(c) Frittillaria (mission bells or snake lily).

(d) Erythronium (adder's tongue, dogtooth violet or avalanche lily).

(e) Cypripedium (lady's slipper).

(f) Calypso (purple lady's slipper).

(g) Lewisia (bitter root).

(h) Douglasia or native rhododendron or azalia.

(4) It shall be unlawful for any person to sell or transport or offer for sale the bulbs, corms, rhizomes, roots or parts of any of the plants or shrubs mentioned in subsections (2) and (3) of this section which have been dug, pulled up or gathered upon any highway, or within 500 feet thereof, or public lands in this state, or upon the land of any other person without written permission from the owner of such land.

(5) The provisions of this section shall not be construed to apply to any employe of the Federal Government or of the State of Oregon or of any political subdivision of the state engaged in work upon any state, county or public road or highway while performing such work under the supervision of the Federal Government, the state or any political subdivision thereof.

(6) The provisions of this section shall not be construed to apply to the owner of any tract or tracts of land, or to his agents or employes, as to such tract or tracts, or to any shrub, plant or other vegetation which is declared by law to be a public nuisance.

(7) Nothing in this section shall be construed as prohibiting the digging, pulling, gathering or sending out of this state, in such quantity and at such times the department may approve, any commercially propagated plants or shrubs mentioned in subsections (2) and (3) of this section, provided the permission of the department for so doing is first obtained.

564.030 Enforcement of ORS 564.020. It shall be the duty of the department and of all its officers and employes to see that the provisions of ORS 564.020 are enforced and to present evidence of any violation of the provisions of ORS 564.020 to the district attorney of the county in which any such violation occurs. Such district attorney shall prosecute any person guilty of a violation of the provisions of ORS 564.020. Such prosecution may be brought in any of the justice courts of this state.

564.040 to 564.900 [Reserved for expansion]

564.910 [Repealed by 1953 c.488 §2]

564.920 to 564.980 [Reserved for expansion]

564.990 Penalty for violation of ORS 564.020; disposition of fines. (1) Any person who wilfully violates any of the provisions of ORS 564.020, upon conviction thereof, shall be punished by a fine of not less than $20 nor more than $500.

(2) All fines imposed under the provisions of this section shall, when collected, be paid to the treasurer of the county where imposed, to be placed in the current expense fund of such county and to be used to assist in defraying the expenses of horticultural inspection.