Chapter 607

1957 REPLACEMENT PART

Stock Running at Large; Livestock Districts

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LIVESTOCK DISTRICTS

607.005 Definitions. As used in this chapter:

(1) "Class of livestock" means a class, species, genus or sex of livestock, including a class, species or genus of neutered livestock.

(2) "Department" means the State Department of Agriculture.

(3) "Federal land" means a tract of land containing 25,000 acres or more owned or administered by, or under the jurisdiction of, the United States and not subject to the laws of this state.

(4) "Legal voter" means a person possessing the qualifications of an elector as provided by section (2), Article II, Oregon Constitution, and residing within the boundaries of the proposed livestock district.

(5) "Livestock" means animals of the bovine species, horses, mules, asses, sheep, goats and swine.

(6) "Livestock district" means an area wherein it is unlawful for livestock or a class of livestock to be permitted to run at large.

(7) "Open range" means an area wherein livestock may lawfully be permitted to run at large. [Amended by 1957 c.604 §2; part derived from 1957 c.604 §§17, 28]

607.008 Incorporated cities are livestock districts. All incorporated cities are livestock districts. [1957 c.604 §3]

607.010 Petition for creation of district. (1) A legal voter who desires to create a livestock district may petition the county court or board of county commissioners to hold an election for such purpose. The petition shall be filed with the county clerk of the county wherein the district is sought to be created, shall set forth the name by which the proposed district is to be designated, and shall describe the boundaries thereof.

(2) The petition shall contain the signatures of six or more legal voters from each precinct, or portion of precinct, included within the boundaries of the proposed district; but in no case shall the petitioners be required to obtain the signatures of more than 100 legal voters. No person shall sign the petition unless he owns real property within the proposed livestock district.

(3) The proposed livestock district shall contain not less than 2,000 acres.

(4) The petition shall state what livestock or class or classes thereof are not to be permitted to run at large within the proposed livestock district. A class of livestock may be further designated or described by minimum or maximum age limits or by breed. [Amended by 1957 c.604 §4]

607.012 Boundaries of proposed district. The boundaries of the proposed livestock district shall follow subdivision lines of sections, section lines, township lines, donation land claim boundaries or lines, lakes, rivers, the boundary line of this state, public roads or county boundary lines, except that the boundary of an established livestock district may be used as a boundary for the proposed livestock district if the districts are adjacent to each other and will have a common boundary line. [1957 c.604 §5]

607.013 Hearing on proposed formation of district. (1) Upon receiving a petition as provided in ORS 607.010, the county court or board of county commissioners shall make an order declaring its intention to hold a hearing on the petition, naming the proposed district and describing its boundaries.

(2) The order shall fix the time and place for the hearing. The time shall be not less than 30 days after the making of the order. The county court or board of county commissioners shall direct the county clerk to publish a notice of the hearing in a newspaper of general circulation in the county. The notice shall be headed: "Notice of the Proposed Formation of——————Livestock District, ——————— County" (stating the name of the proposed district and the name of the county). It shall state the time and place of the hearing on the matter of formation of the district, shall describe the territory included therein, specify the boundaries thereof and name the livestock or class of livestock which shall not lawfully be permitted to run at large therein. The notice shall be published once a week for two successive weeks prior to the time fixed for the hearing. A copy of the published notice shall be forwarded to the department by certified mail.

(3) At the hearing any person interested may appear and present evidence relating to the petition. If, after a full hearing, the county court or board of county commissioners is of the opinion that the boundaries of the proposed livestock district should be changed, the county court or board of county

commissioners may make the necessary changes. [1957 c.604 §§6, 7]

607.015 Notice of election to create livestock district. Within 15 days after the hearing, the county court or board of county commissioners shall refer the petition as approved by it to the county clerk who shall give 45 days' notice that an election to create a livestock district will be held. Such notice shall be posted in three or more conspicuous places within the proposed district and shall be published once a week for two successive weeks in a newspaper of general circulation in the county. The notice shall contain a description of the boundaries of the district, together with the proposed name of the district. The notice shall clearly state the time and place of the election, and that the purpose of the election is to make it unlawful to permit livestock or a class of livestock to run at large within the boundaries described. [Amended by 1957 c.604 §8]

607.020 Changing boundaries and dissolution of districts. (1) Any area containing 2,000 acres or more may be withdrawn from a livestock district, or a complete dissolution may be effected, by following the procedure for such purpose in the same manner as for the creation of a livestock district as provided in ORS 607.005 to 607.045. The notice shall clearly state that the purpose of the election is to allow livestock or a class of livestock to run at large within the boundaries described.

(2) The boundary of an area to be withdrawn from a livestock district shall be drawn in compliance with ORS 607.012, except to the extent that it follows the boundary of the livestock district.

(3) No withdrawal from a livestock district shall be allowed if the area remaining within the livestock district will be less than 2,000 acres.

(4) Any withdrawal from or dissolution of a livestock district which is the subject of an order of the department issued under section 33, chapter 604, Oregon Laws 1957, shall be made with reference to the boundaries established thereby. [Amended by 1957 c.604 §9]

Note: The text of 1957 c.604 §33, referred to in subsection (4) of ORS 607.020, is set forth in full in the note under ORS 607.051.

607.025 Cash deposit by petitioners. When, at the request of the petitioners, the election is to be held on a day other than one on which a regular primary or general election is scheduled to be held, and if the request is approved by the county court or board of county commissioners, one or more of the petitioners shall deposit money with the county clerk in an amount to be fixed by the county court or board of county commissioners, which shall be a sum deemed by it suffficient to defray the probable expenses of the special election. Until the money is deposited, the county clerk shall neither take action nor incur expense in connection with the special election. If the amount deposited exceeds the total expenses of the election, as ascertained by the county clerk and certified by him to the county court or board of county commissioners, the excess shall be returned to the petitioner or petitioners who deposited the money. [Amended by 1957 c.604 §10]

607.030 Preparation and distribution of ballots. (1) Where petitions have been filed pursuant to ORS 607.010, and approved by the county court or board of county commissioners, the county clerk shall cause separate ballots to be prepared on which shall be printed or written a description of the proposed livestock district, and the question for and against the formation of such district shall be stated thereon substantially as follows:

Shall the territory within the following described boundaries be created a livestock district, to be known and designated as —— livestock district, —— County, Oregon, for the purpose of making it unlawful to permit livestock or a class of livestock to run at large therein: (description of boundaries of proposed livestock district) (If only a class of livestock is not to be permitted to run at large, the class shall be designated)?

Yes, ——— I vote in favor of the creation of a livestock district for the purpose of making it unlawful to permit (livestock) (class of livestock) to run at large.

No, ——— I vote against the creation of a livestock district.

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(2) The ballots shall contain instructions for the voter to indicate his choice thereon by marking an "X" in the space which meets with his approval. When the vote is on a question of withdrawal from or

dissolution of the district, the question shall be framed by the county clerk so as to clearly present the question to the voters. Ballots shall be distributed in the same manner in which ballots are distributed at any general election. Only the legal voters in the proposed district described in the petition shall be entitled to receive ballots or to vote on any of the questions pertaining thereto. [Amended by 1957 c.604 §11]

607.035 Place of voting and canvassing of votes. (1) The county court or board of county commissioners shall designate the voting places which shall correspond as nearly as practicable to the usual place of voting within the precinct. However, when the election day corresponds to the day on which a regular primary or general election is scheduled to be held, the voting places within such proposed livestock district shall be identical with those used for such primary or general election.

(2) All votes cast at any election held under ORS 607.005 to 607.050 shall be canvassed in the same manner as the votes cast for any county officer.

607.040 Notice of creation of a livestock district; filing of documents by county clerk. (1) If a majority of all the votes cast is in favor of the creation of the livestock district, the county clerk shall give notice thereof by publication, in a newspaper of general circulation in the county, once a week for two consecutive weeks, that on and after the sixtieth day from the date of the first publication of the notice it shall be unlawful for livestock or a class of livestock to be permitted to run at large within the boundaries of the livestock district. The notice shall state the name by which the district is to be known, the boundaries thereof and shall also set forth the penalties for violation of ORS 607.045.

(2) The county clerk shall file a copy of the notice, copies of all other published notices, the petitions and all other data or documents relating to the district in the county records in a book, record or file identified as "Livestock Districts." No other type of data or documents shall be filed therein. The county clerk shall also mail one certified copy of the final published notice, as provided in this section, by certified or registered mail to the department. Creation, withdrawal from or dissolution of a district shall not be effective until and unless the department has been so notified. [Amended by 1957 c.604 §12]

607.042 Voters of livestock district not to petition for or vote on another district covering same class of animals; only one election a year on same proposal. (1) The legal voters of a livestock district shall not petition for or vote on a proposed livestock district which includes their livestock district within its boundaries, unless the petition or election relates to a class of livestock different from that which is not permitted to run at large in their district.

(2) An election shall not be held for the creation or dissolution of or withdrawal from a livestock district in the same area within one year from the date of a prior election on the same proposal. [1957 c.604 §13]

607.043 Land entirely inclosed by federal land. The creation or dissolution of a livestock district shall not affect land entirely inclosed by federal land, unless the inclosed land is accurately and completely described in the petition. The legal voters residing on the inclosed land shall not vote on the creation or dissolution of such a district unless the inclosed land is accurately and completely described in the petition. [1957 c.604 §14]

607.044 Civil liability for livestock at large in livestock district. A person shall be liable to the owner or lawful possessor of land if he permits an animal of a class of livestock to run at large upon such land and the land is located in a livestock district in which it is unlawful for such class of livestock to be permitted to run at large. [1957 c.604 §15]

607.045 Livestock at large in livestock districts. (1) No person owning or having the custody, possession or control of an animal of a class of livestock shall permit the animal to run at large or to be herded, pastured or to go upon the land of another in a livestock district in which it is unlawful for such class of livestock to be permitted to run at large.

(2) This section is not intended to prohibit a person from driving livestock along a public road.

(3) Justice, district and circuit courts have concurrent jurisdiction of actions for the prosecution of violations of this section. [Amended by 1957 c.604 §16]

607.050 [Repealed by 1957 c.604 §41]

607.051 Status of districts designated by order of State Department of Agriculture. The livestock districts designated by department order under section 33, chapter 604, Oregon Laws 1957, shall be subject in all respects to the provisions of ORS 607.005 to 607.045. [1957 c.604 §37]

Note: Chapter 604, Oregon Laws 1957, provides for the determination by the State Department of Agriculture of what livestock districts exist, the boundaries and designations thereof and what livestock or classes thereof may not be permitted to run at large therein. The following parts of chapter 604, Oregon Laws 1957, are not being permanently compiled in ORS because they are of a temporary nature but are set forth below for the convenience of the user of the Oregon Revised Statutes.

Section 28. The definitions of ORS 607.005 apply to sections 29 to 38 of this Act.

Section 29. The Legislative Assembly hereby finds that:

(1) Substantial misunderstanding and confusion exists as to livestock districts.

(2) The adequate and efficient enforcement of the disease, theft and police laws of this state, and the proper determination of private rights, can only be achieved if it is determined:

(a) What livestock districts exist;

(b) Where the boundaries of existing livestock districts are located;

(c) By what name or number existing livestock districts are designated; and

(d) What livestock or classes thereof may not be permitted to run at large within existing livestock districts.

(3) The Legislative Assembly has neither the time nor the means to resolve in a manner other than that provided in sections 29 to 37 of this Act the misunderstanding and confusion found to exist, nor to make the determinations necessary for the adequate and efficient enforcement of the laws of this state and the proper determination of private rights.

Section 30. The Legislative Assembly hereby declares that it is the policy of this state and the purpose of sections 29 to 37 of this Act to determine in a definitive manner what livestock districts exist, the boundaries and designations thereof and what livestock or classes thereof may not be permitted to run at large therein. To effectuate this policy and to accomplish this purpose, the department is directed, in accordance with sections 29 to 37 of this Act, to conduct a study of all matters relating to livestock districts, the existance, boundaries and designations thereof, and the livestock or classes thereof which may not be permitted to run at large therein, and to make determinations in relation thereto. When the study is completed and the determinations are made, the department shall record its determinations by order in accordance with the provisions of sections 29 to 37 of this Act.

Section 31. (1) The department shall hold a hearing in each county in which it has reason to believe that livestock districts exist. The purpose of the hearing shall be to determine:

(a) What livestock districts exist.

(b) Where the boundaries of existing livestock districts are located.

(c) By what name or number existing livestock districts are designated.

(d) What livestock or classes thereof may not be permitted to run at large within existing livestock districts.

(2) The department shall give notice of the time and place of the hearing. The notice shall be published once in a newspaper of general circulation in the county and two notices suitable for posting shall be forwarded to the county clerk who shall post them in two conspicuous places in the county. The department need not identify the districts or the boundaries thereof in the notice.

(3) At the hearing:

(a) Any person interested may appear and present evidence relating to the subject of the hearing.

(b) The district attorney of the county shall appear and assist the department by presenting evidence relating to the subject of the hearing and by submitting his opinion on the determinations to be made.

(4) The department may cause a shorthand or machine recording to be made of all or a part of the hearing. The recording shall be retained by the department for a period of at least two years. The recording need not be transcribed unless there is an appeal taken from the order of the department.

(5) In addition to evidence presented at the hearing, the department shall obtain information from county officials and other persons having knowledge of facts relevant to the determinations to be made by it. The department shall also make an exhaustive study of state laws, county records and documentary evidence relevant to the determinations to be made by it.

(6) The department need not hold a hearing in a county in which it determines, after studying the laws of this state, reviewing the records of the county and consulting with the county court or board of county commissioners, the district attorney and the county clerk, that no livestock districts exist.

Section 32. (1) When the department has held a hearing, has secured all available information and studied all available laws, records and documentary evidence, the department shall, on the basis thereof, make the determinations required to be made under section 31 of this Act. In making its determinations, the department shall presume:

(a) That livestock districts created by a vote of the people continue to exist as originally created. This presumption may be overcome as to individual livestock districts by evidence of withdrawal, dissolution or other action by the people taken after the creation of the livestock district under statutes authorizing such action.

(b) That livestock districts created by statute continue to exist as originally created. This presumption may be overcome as to individual livestock districts by evidence of statutes clearly evidencing a legislative intention to amend the statutes creating such livestock districts.

(c) That section 7, chapter 529, Oregon Laws 1947, and section 10, chapter 513, Oregon Laws 1949, and ORS 607.050 are saving clauses and that in each instance it was and still is the legislative intention to continue livestock districts theretofore created, notwithstanding the provisions of section 8, chapter 529, Oregon Laws 1947, section 11, chapter 513, Oregon Laws 1949, and section 41 of this Act.

(2) If the department, in attempting to determine the location of boundaries of existing livestock districts, finds that landmarks or other identification marks or points have been destroyed or otherwise changed and that they cannot now be ascertained or identified, the department may:

(a) Designate new boundaries; or

(b) Determine that the district no longer exists. In designating new boundaries, the department shall not substantially alter the size of the district or the area contained therein.

Section 33. (1) After a hearing has been held, and not later than one year after the effective date of this Act, the department shall issue an order with respect to each county in which a hearing has been held. The order shall state the department's determinations as to what livestock districts exist, the boundaries and designations thereof, and the livestock or classes thereof which may not be permitted to run at large therein. The order shall reflect any withdrawal from or dissolution of existing livestock districts, and the creation of all new livestock districts, which have been effected between the effective date of this Act and the effective date of the order. The order shall provide that livestock districts created by statutes repealed by this Act are existing livestock districts, notwithstanding such repeal, and shall identify the boundaries and designations thereof, and shall state what livestock or classes thereof may not be permitted to run at large therein; provided, however, that ORS 607.105 to 607.260 shall not be considered to have created livestock districts. The department may determine that livestock districts exist which contain less than the minimum acreage required for the creation of a new livestock district.

(2) Within one year after the effective date of this Act the department shall issue an order with respect to each county in which no hearing has been held. Except as otherwise provided in section 34 of this Act, the order shall state that the department has determined that no livestock districts exist within the county.

Section 34. (1) The department shall determine and provide by order:

(a) That a livestock district exists in Jackson County as provided in ORS 607.525.

(b) That a livestock district exists in Jefferson County as provided in ORS 607.620.

(c) That no livestock districts exist in those territories in Linn County described in ORS 607.610 and 607.615.

(d) That Hood River County is a livestock district.

(e) That Multnomah County is a livestock district.

(f) That all public roads in Wasco County are livestock districts.

(g) That, subject to the provisions of paragraph (f) of subsection (1) of this section, the following described territory constitutes the only livestock district in Wasco County: Beginning at the northwest corner of Wasco County, Oregon; thence along section lines as follows: South along the west line of Wasco County approximately 12 miles to the southwest corner of Section 34, Township 1 North, Range 11 East W.B.M.; thence east 16 miles to the southeast corner of Section 31, Township 1 North, Range 14 East W.B.M.; thence north 5 miles, east 1 mile, north approximately 3 miles to the northern boundary of Wasco County; thence along said county line and the Columbia River westerly approximately 22 miles to the point of beginning.

(h) That no livestock districts exist in Umatilla County.

(i) That no livestock districts exist in land subject to the laws of this state which is entirely inclosed by federal land, unless otherwise provided by the laws or regulations of the United States.

(j) That no livestock districts exist in public roads passing through federal land, unless otherwise provided by the laws or regulations of the United States.

(2) The department shall not hold hearings in the counties of Hood River, Multnomah, Wasco and Umatilla.

Section 35. (1) Each order issued under section 33 of this Act shall be filed with the Secretary of State. The order shall be effective as of the date it is signed by the department. The order shall not be considered a department regulation.

(2) Three certified copies of the order shall be forwarded to the county clerk of the county with respect to which the order was issued, one of which shall be filed by him according to law and two copies of which shall be posted in two conspicuous places in the county.

(3) One certified copy of the order shall be permanently filed in the office of the department.

(4) One certified copy of each order issued under subsection (2) of section 33 of this Act shall be forwarded to the county court or board of county commissioners of the county with respect to which the order was issued.

(5) The department shall publish a notice once in a newspaper of general circulation in the county with respect to which the order was issued. The notice shall describe in general terms the contents of the order and shall advise the public that further information may be had by consulting the records of the county clerk. The notice need not describe the boundaries of the livestock districts.

(6) The department, within two years immediately following the effective date of this Act, may publish data or maps relating to livestock districts and make them available at cost to the public.

Section 36. (1) As of the effective date of the department order, the livestock districts designated therein shall be the only livestock districts in the county.

(2) An appeal may be taken from the department order by any person affected thereby within 30 days after the effective date thereof. The appeal shall be conducted as provided in ORS 561.360 and 561.390, except that the appeal shall be heard by the court on the record and without a jury. The cost of transcribing the recording of a hearing held under section 31 of this Act shall be paid by the department. The appeal shall be limited to questions relating to the existence of districts and the boundaries thereof. The court may affirm, amend or change the order of the department. An appeal shall stay the order of the department.

(3) No person shall appeal an order or part thereof issued under subsection (1) of section 34 of this Act.

Section 38. (1) Notwithstanding sections 13 and 14 of this Act [ORS 607.042 and 607.043], at any time within two years immediately following the effective date of this Act:

(a) A livestock district containing all of Clackamas County may be created under ORS 607.005 to 607.045. All legal voters in the county, except those who reside in incorporated cities, may vote on the question of the creation of the livestock district.

(b) A livestock district containing at least one-fourth of Clackamas County may be created under ORS 607.005 to 607.045. All legal voters within the boundaries of the proposed livestock district, except those who reside in incorporated cities, may vote on the question of the creation thereof.

(2) After an election has been held under subsection (1) of this section, the legal voters eligible to vote at the election shall be subject to all the provisions of ORS 607.005 to 607.045.

Section 41. (1) ORS 607.050, 607.105, 607.110, 607.115, 607.120, 607.125, 607.130, 607.135, 607.140, 607.205, 607.210, 607.215, 607.220, 607.225, 607.230, 607.235, 607.240, 607.245, 607.250, 607.255, 607.260, 607.306, 607.331, 607.405, 607.410, 607.415, 607.420, 607.425, 607.430, 607.435, 607.440 and 607.445 are repealed as of the effective date of this Act.

(2) ORS 607.525 is repealed as of the effective date of the order of the department issued under paragraph (a) of subsection (1) of section 34 of this Act.

(3) ORS 607.530 is repealed as of the effective date of the order of the department issued under paragraph (e) of subsection (1) of section 34 of this Act.

(4) ORS 607.535, 607.540, 607.545, 607.550, 607.555, 607.560, 607.565, 607.570 and 607.575 are repealed as of the effective date of the order of the department issued under paragraphs (f) and (g) of subsection (1) of section 34 of this Act.

(5) ORS 607.605, 607.610 and 607.615 are repealed as of the effective date of the order of the department issued under paragraph (c) of subsection (1) of section 34 of this Act.

(6) ORS 607.620, 607.625, 607.630, 607.635, 607.640, 607.645, 607.650 and 607.655 are repealed as of the effective date of the order of the department issued under paragraph (b) of subsection (1) of section 34 of this Act.

The effective date of chapter 604, Oregon Laws 1957, was August 20, 1957.

607.055 to 607.100 [Reserved for expansion]

607.105 [Repealed by 1957 c.604 §41]

607.110 [Repealed by 1957 c.604 §41]

607.115 [Repealed by 1957 c.604 §41]

607.120 [Repealed by 1957 c.604 §41]

607.125 [Repealed by 1957 c.604 §41]

607.130 [Repealed by 1957 c.604 §41]

607.135 [Repealed by 1957 c.604 §41]

607.140 [Repealed by 1957 c.604 §41]

607.145 to 607.200 [Reserved for expansion]

607.205 [Repealed by 1957 c.604 §41]

607.210 [Repealed by 1957 c.604 §41]

607.215 [Repealed by 1957 c.604 §41]

607.220 [Repealed by 1957 c.604 §41]

607.225 [Repealed by 1957 c.604 §41]

607.230 [Repealed by 1957 c.604 §41]

607.235 [Repealed by 1957 c.604 §41]

607.240 [Repealed by 1957 c.604 §41]

607.245 [Repealed by 1957 c.604 §41]

607.250 [Repealed by 1957 c.604 §41]

607.255 [Repealed by 1957 c.604 §41]

607.260 [Repealed by 1957 c.604 §41]

MALE STOCK RUNNING AT LARGE ON OPEN RANGE

607.261 Male stock running at large on open range. (1) No person shall turn upon, or allow to run upon, the open range, any bull other than a purebred bull of a recognized beef breed. The department shall by regulation define "purebred bull of a recognized beef breed." No person shall turn upon, or allow to run upon, the open range, any female breeding cattle unless he turns with such female breeding cattle one purebred bull of a recognized beef breed for every 25 females or fraction thereof of 10 or over.

(2) No owner of any stallion or jackass, of the age of 18 months or more, shall permit it to run upon the open range during the period April 1 to October 31 of each year. No owner of any ram shall permit it to run at large upon the open range during the period July 1 to October 31 of each year. [1957 c.604 §18]

607.265 to 607.300 [Reserved for expansion]

TAKING UP AND SELLING ANIMALS; ESTRAYS; INTERFERING WITH ANIMALS

607.301 Definitions. As used in ORS 607.301 to 607.341: "estray" means livestock of any unknown owner which is unlawfully being permitted to run at large or which is found to be trespassing on land inclosed by an adequate fence. Where an animal has broken through a fence on the open range and a determination is necessary as to the adequacy of the fence in order to enable the department to determine if the animal is an estray, the determination shall be made by the department. [1953 c.367 §1; 1957 c.604 §19]

607.303 Owner or lessee of property taking up livestock unlawfully permitted to run at large; notice to owner and department. (1) A person who finds livestock unlawfully being permitted to run at large upon his premises, or premises of which he has lawful possession or control, may take up the livestock if the owner thereof is known to him.

(2) A person taking up livestock shall within five days give notice of the taking up by certified or registered mail addressed to the owner or person having control of the livestock. The notice shall:

(a) Contain a concise description of the livestock, including marks and brands, if any.

(b) State that the livestock will be released to and sold by the department as an estray unless redeemed before such sale.

(c) Designate the time and place of sale,

as approved by the department. The sale shall be held not less than 30 days nor more than 45 days from the date of the taking up.

(3) A person taking up livestock shall within five days of giving the notice provided in subsection (2) of this section forward a copy of the notice to the department or give a copy of the notice to a brand inspector or other agent of the department. [1957 c.604 §24]

607.304 Delivery of livestock to department or owner; payment of costs to person taking up livestock. (1) If the owner of the livestock does not appear in response to the notice given under subsection (2) of ORS 607.303, the livestock shall be delivered to the department at least 48 hours in advance of the date of sale and shall be sold by the department as an estray. If the department is satisfied that adequate notice has been given to the owner, the department need not publish notice as required by subsection (2) of ORS 607.326.

(2) If the owner of the livestock does appear, the livestock shall be delivered to him or his agent if he pays to the person taking up the livestock, before the date of sale:

(a) The cost of taking up the livestock;

(b) The cost of giving notice;

(c) The cost of keeping the livestock; and

(d) The cost of repairing any damage done by the livestock to the property of the person taking it up.

The person taking up the livestock, upon delivery thereof to the owner, shall notify the department that such action has been taken.

(3) If the owner is unable to agree with the person taking up the livestock as to the amount of the costs, the owner and the person taking up the livestock shall each name one arbitrator and the two arbitrators so named shall choose a third. The arbitrators may hear witnesses, take testimony, inspect the livestock and the premises and decide the amount to be allowed. Their decision shall be final, except as provided in subsection (2) of ORS 607.338.

(4) If the owner refuses to arbitrate or to be bound by the award thereof, the livestock shall be delivered to the department and sold by it as an estray. If the person taking up the livestock refuses to arbitrate or to be bound by the award thereof, the livestock shall not be sold; and the owner shall be entitled to the possession thereof. [1957 c.604 §25]

607.305 [Amended by 1953 c. 367 §13; renumbered 607.344]

607.306 [1953 c.367 §2; repealed by 1957 c.604 §41]

607.308 Alternative procedure for person taking up livestock. A person taking up livestock, in lieu of following the procedure established by ORS 607.303 and 607.304, may, within five days after the taking up, deliver the livestock to the department. The person shall have no claim, right or title to the livestock or the proceeds from the sale thereof. The livestock shall be disposed of by the department as an estray. [1957 c.604 §26]

607.310 [Repealed by 1953 c.367 §13]

607.311 Taking up estray prohibited without giving notice. No person shall knowingly take up or retain possession, custody or control of an estray without giving the notice required by ORS 607.316. [1953 c.367 §9]

607.315 [Repealed by 1953 c.367 §13]

607.316 Notice to department of taking up estray. A person taking up an estray shall notify the department of such fact in writing within five days of the taking. The notice shall be sent to the department at its Salem office. [1953 c.367 §3]

607.320 [Repealed by 1953 c.367 §13]

607.321 Investigation by department upon receipt of notice. (1) The department, when it receives a notice of taking, shall undertake to determine the animal's true owner from the recorded brand, marks and other identifying characteristics and other relevant information tending to establish ownership.

(2) A record of such information, together with the findings of the department supporting its determination of ownership, shall be made and preserved for three years. [1953 c.367 §4]

607.325 [Repealed by 1953 c.367 §13]

607.326 Sale of estray if owner not found; notice of sale. (1) If the department does not determine who is the true owner of the estray, it shall, not sooner than 30 days nor more than 45 days after receiv-

ing the notice of taking, cause the estray to be sold at public sale.

(2) The department shall cause a notice of taking up to be published in a newspaper of general circulation through the area in which the estray was taken up, once a week for two successive weeks or two publications in all prior to the sale. The notice shall state, among other things, that the estray will be sold at a stated time and place if not claimed by the true owner prior to the date of sale. [1953 c.367 §5]

607.330 [Repealed by 1953 c.367 §13]

607.331 [1953 c.367 §6; repealed by 1957 c.604 §41]

607.332 Claim by owner prior to sale. If the owner of an estray appears and claims it prior to sale, he shall pay all costs mentioned in subsection (1) of ORS 607.337 and subsection (2) of ORS 607.304 which have accrued theretofore. Upon such payment, the estray shall be returned to the custody of the owner. If the owner fails to pay the costs, the sale shall be carried out as in cases where the owner is unknown. [1957 c.604 §21]

607.335 [Repealed by 1953 c.367 §13]

607.336 Title of purchaser at sale. The purchaser of an estray sold as provided herein shall have clear and absolute title to the animal upon receiving a bill of sale from the department. [1953 c.367 §8]

607.337 Use of proceeds from sale. (1) All costs incurred by the department in the taking up and sale of an estray shall be paid from the proceeds thereof in the following priority:

(a) Cost of publication of notice.

(b) Cost of the sale.

(c) Cost of transportation of the estray to the point of sale.

(d) Reasonable cost of feed and care prior to sale.

(e) All other costs including the time and mileage of the employes of the department.

(2) If the proceeds of the sale are inadequate to pay all of the costs mentioned in subsection (1) of this section, the department shall pay the deficiency.

(3) Subject to the provisions of subsections (1) and (3) of ORS 607.338, any balance remaining from the proceeds of sale shall be transmitted to the department which shall deposit it in the Department of Agriculture Account in the General Fund. Proceeds so deposited shall be held in such account for a period of three years subject to claim by the owner. During such period, the proceeds shall not be subject to the application of the provisions of ORS 291.368 to 291.374.

(4) If the owner fails to establish his right to the proceeds of sale within three years, all right, title and claim thereto shall be transferred to the department to expend and use in carrying out the provisions of this chapter and sections 29 to 36, chapter 604, Oregon Laws 1957. Proceeds now being held by the department as the result of sale of estrays are subject to the provisions of this subsection. [1957 c.604 §§22, 23]

607.338 Use of proceeds where private person has taken up livestock. (1) If the department sells livestock delivered to it under subsections (1) or (4) of ORS 607.304, it shall from the proceeds of the sale first reimburse itself for the costs mentioned in subsection (1) of ORS 607.337, and from the balance, if any, pay to the person taking up the livestock the costs mentioned in subsection (2) of ORS 607.304.

(2) The department shall allow to the person taking up the livestock only his reasonable costs, and the department's determination of the reasonableness thereof shall be final; provided, however, that the department may, in the event of a dispute on the question, and notwithstanding prior arbitration, submit the question to arbitration. The person taking up the livestock shall name one arbitrator, the department shall name one arbitrator and the two arbitrators so named shall choose a third. The arbitrators may hear witnesses, take testimony, inspect the livestock and the premises and decide the amount to be allowed. Their decision shall be final.

(3) Any balance remaining from the proceeds of the sale after the department has reimbursed itself and has paid the costs of the person taking up the livestock shall be paid to the owner of the livestock.

(4) Nothing contained in this section is intended to require the department to pay the costs of the person taking up the livestock if the proceeds of the sale thereof are not sufficient to pay such costs. [1957 c.604 §27]

607.339 Liability of department. Except for gross negligence the department shall not be liable for the payment of the proceeds of sale or return of custody of an estray to a person claiming to be the true owner of such estray. [1953 c.367 §7]

607.340 [Repealed by 1953 c.367 §13]

607.341 Jurisdiction of courts. Justice courts and district courts shall have concurrent jurisdiction with circuit courts of proceedings brought on violations of ORS 607.301 to 607.341. [1953 c.367 §11]

607.344 "Freshly branded" defined for ORS 607.345 to 607.360. As used in ORS 607.345 to 607.360, "freshly branded" means any animal on which there is a brand that has not been peeled off or entirely healed. [Formerly 607.305]

607.345 Interfering with calves and colts on open range; selling freshly branded cattle or horses. No person shall:

(1) Hold under herd, confine in any pasture, building, corral or other enclosure, or picket out, hobble or tie together, or in any manner interfere with the freedom of calves of neat cattle or colts of horses, on the open range, which are less than seven months old, unless such animals are accompanied by their mothers.

(2) Sell or offer to sell any freshly branded neat cattle or horses.

607.350 Producing, on demand, the mothers of calves or colts. The person, separating calves or colts from their mothers shall, upon demand of the sheriff, inspector or other officer, produce, within a reasonable time, the mother of each such animal, so that the interested parties may ascertain if the animal, so produced as the mother thereof, does or does not claim or suckle such calf or colt.

607.355 Disposal of calves and colts wrongfully held. All animals held in violation of ORS 607.345 or 607.350 shall be considered estrays. The nearest stock inspector, as soon as he has knowledge thereof, shall cause them to be disposed of as estrays under the estray laws in force in his county or district.

607.360 Applicability of statutes regulating handling of calves and colts. ORS 607.345 to 607.355 do not apply to:

(1) The calves of milch cows where such cows are actually used to furnish milk for household purposes or for carrying on a dairy.

(2) Any freshly branded animal which has been branded previously with an older and duly recorded brand, and for which animal the claimant has a legally executed bill of sale from the owner of the older brand on such animal.

(3) Young animals under the age of 10 months which are accompanied by their mothers.

(4) Animals other than cattle or horses, or the offspring thereof, which during some period of the year run at large upon the public range.

607.365 Driving domestic animals from range. (1) No person, who is not the owner of such animal, shall take or drive, cause to be taken or driven, or assist in driving or taking away any horse, gelding, mare, foal, mule, ass, jenny, bull, cow, heifer, steer, calf, sheep, hog or any other domestic animal from the range or place where it is lawfully grazing, pasturing or ranging, or in the habit of ranging, or where it has been herded or placed by the owner thereof, for a distance of more than 10 miles from such place.

(2) Persons violating this section shall be liable to the owner of such animal for all damages sustained by reason of such driving or taking away of such domestic animal.

(3) All fines collected for violations of this section shall be paid over to the county treasurer of the county in which the offense was committed, and used for the support of common schools within such county. [Formerly 606.210]

607.370 to 607.400 [Reserved for expansion]

607.405 [Repealed by 1957 c.604 §41]

607.410 [Repealed by 1957 c.604 §41]

607.415 [Repealed by 1957 c.604 §41]

607.420 [Repealed by 1957 c.604 §41]

607.425 [Repealed by 1957 c.604 §41]

607.430 [Repealed by 1957 c.604 §41]

607.435 [Repealed by 1957 c.604 §41]

607.440 [Repealed by 1957 c.604 §41]

607.445 [Repealed by 1957 c.604 §41]

607.450 to 607.500 [Reserved for expansion]

REGULATION OF STOCK ON CERTAIN HIGHWAYS AND IN JACKSON COUNTY

607.505 Stock running at large and grazing on Klamath Falls-Malin Highway. (1) No person shall permit cattle, horses, mules, sheep, goats or hogs to run at large, be pastured, staked or tethered upon the state highway extending from the easterly boundary of the incorporated city of Klamath Falls to the westerly boundary of the incorporated city of Malin.

(2) As used in this section, "state highway" includes only those highways over which the State Highway Commission has control.

607.510 Stock running at large and grazing on certain state highways. No person shall allow cattle, horses, mules, sheep, goats, swine or other livestock of any kind, to run at large, be pastured, staked or tethered upon the following state highways:

(1) That part of the Oregon Coast Highway, State Highway No. 9, extending from the north boundary of Tillamook County to the south boundary of Lane County.

(2) That part of the Alsea Highway, State Highway No. 27, from its junction with the Corvallis-Newport Highway in Benton County to Waldport in Lincoln County.

(3) That part of the Corvallis-Newport Highway, State Highway No. 33, from Corvallis in Benton County to Newport in Lincoln County.

(4) That part of the Salmon River Highway, State Highway No. 39, from Valley Junction in Polk County to a connection with the Oregon Coast Highway at or near Otis in Lincoln County.

(5) That part of the Wilson River Highway, State Highway No. 37, from the east boundary of Tillamook County to the intersection of the Wilson River Highway with the Oregon Coast Highway, which is State Highway No. 9.

607.515 Stock at large or grazing on highway from Canyonville to Umpqua National Forest. No person shall permit any cattle, horses, mules, sheep, goats, hogs or other livestock, to run at large, be pastured, staked or tethered upon the state highway extending from the easterly boundary of the incorporated city of Canyonville easterly to the west boundary of the Umpqua National Forest.

607.520 Stock running at large on highways in Washington County. No person, either as owner or in possession or control of any horses, mules, cattle, swine, sheep or goats shall permit them to run at large on any highway or public road in Washington County.

607.525 Horses running at large in Jackson County. (1) No owner of a horse shall permit it to run at large in Jackson County.

(2) Any horse found running at large, contrary to this section, may be taken up, sold and disposed of in the manner provided in the laws relating to estrays.

Note: ORS 607.525 is repealed as of the effective date of the order of the State Department of Agriculture issued under section 34, chapter 604, Oregon Laws 1957, that a livestock district exists in Jackson County as provided in ORS 607.525. See 1957 c.604 §41.

607.530 [Amended by 1955 c.275 §1; repealed by 1957 c.604 §41]

607.535 [Repealed by 1957 c.604 §41]

607.540 [Repealed by 1957 c.604 §41]

607.545 [Repealed by 1957 c.604 §41]

607.550 [Repealed by 1957 c.604 §41]

607.555 [Repealed by 1957 c.604 §41]

607.560 [Repealed by 1957 c.604 §41]

607.565 [Repealed by 1957 c.604 §41]

607.570 [Repealed by 1957 c.604 §41]

607.575 [Repealed by 1957 c.604 §41]

607.580 to 607.600 [Reserved for expansion]

REGULATION OF STOCK IN LINN AND JEFFERSON COUNTIES

607.605 Stock running at large in Linn County. (1) No owner shall permit his cattle, horses, mules, sheep, goats or hogs to run at large in the following places in Linn County:

(a) In any area except the open range.

(b) On any highway or public road, except unfenced county roads in the open range.

(2) As used in this section, "open range" means the territory described in ORS 607.610 and 607.615.

(3) Nothing in ORS 607.605 to 607.615 affects the right of the legal voters of any area in Linn County to create, alter or dissolve livestock districts in accordance with ORS 607.005 to 607.050.

(4) Where any livestock district, created to prohibit the running at large of livestock, was created prior to August 2, 1951, and where such district lies wholly or partly within the open range, such district is continued in force.

Note: ORS 607.605, 607.610 and 607.615 are repealed as of the effective date of the order issued by the department under 1957 c.604 §34 that no livestock districts exist in those territories in Linn County described in ORS 607.610 and 607.615. See 1957 c.604 §41.

607.610 Open range area in Linn County. All territory in Linn County lying east of the following described line bisecting the county is open range: Beginning at a point on the north boundary line of Linn County at the intersection of the center line of the Santiam River and the center line of section 26, township 9 south, range 3 east of the Willamette Meridian; thence south through the center of section 35, said township and range to the township line between townships 9 and 10 south; thence west two miles along the township line to the south quarter-corner of section 33, township 9 south, range 3 east; thence north one-half mile to the center of said section 33; thence west two miles to the center of section 31, said township and range; thence westerly eight miles, more or less, parallel to and one-half mile south of the center line of State Secondary Highway No. 211 to a point in section 26, township 9 south, range 1 east; thence southerly three and one-half miles, more or less, parallel to and one-half mile east of the center line of said highway to a point on the north line of section 17, township 10 south, range 1 east; thence west one and one-half miles, more or less, to the northwest corner of section 18, said township and range; thence south four miles along the Willamette Meridian to the township line between townships 10 and 11 south; thence east one-half mile to the south quarter-corner of section 31, township 10 south, range 1 east; thence south two miles to the south quarter-corner of section 7, township 11 south, range 1 east; thence east one-half mile to the southeast corner of said section 7; thence south one mile to the southwest corner of section 17, said township and range; thence east one-half mile to the south quarter-corner of said section 17; thence south two miles to the south quarter-corner of section 29, said township and range; thence west one and one-half miles to the northwest corner of section 31, said township and range; thence south two miles along the meridian line to the southwest corner of section 6, township 12 south, range 1 east; thence west one-half mile to the south quarter-corner of section 1, township 12 south, range 1 west; thence south one mile to the south quarter-corner of section 12, said township and range; thence east one-half mile to the southeast corner of said section 12; thence south four miles along the meridian line to the township line between townships 12 and 13 south; thence east one mile along the township line to the southeast corner of section 31, township 12 south, range 1 east; thence south one-half mile to the west quarter-corner of section 5, township 13 south, range 1 east; thence east one-half mile to the center of said section 5; thence south one-half mile to the south quarter-corner of said section 5; thence west one mile to the north quarter-corner of section 7, said township and range; thence south one mile to the south quarter-corner of said section 7; thence east one and one-half miles to the southeast corner of section 8, said township and range; thence south two miles along the west lines of sections 16 and 21, said township and range, to the southwest corner of said section 21; thence east three and one-half miles, more or less, along the south lines of sections 21, 22, 23 and 24 to the center line of Market Road No. 35; thence northeasterly one mile, more or less, to the intersection of said center line with the west line of section 19, township 13 south, range 2 east; thence south two and one-half miles, more or less, along the range line between ranges 1 and 2 east to the intersection of said range line with the township line between townships 13 and 14 south; thence west three miles along said township line to the northwest corner of section 3, township 14 south, range 1 east; thence south one mile along the west line of said section 3 to the southwest corner thereof; thence west four miles along the north lines of sections 9, 8 and 7, said township and range, and the north line of section 12, township 14 south, range 1 west, to the northwest corner of said section 12; thence south two miles to the southwest corner of section 13, said township and range; thence east

one mile to the southeast corner of said section 13; thence south three miles along the meridian line to the northeast corner of section 1, township 15 south, range 1 west; thence west seven miles along the township line between townships 14 and 15 south to the northwest corner of section 1, township 15 south, range 2 west; thence south three miles along the west lines of said section 1 and sections 12 and 13, said township and range, to the corner common to sections 13, 14, 23 and 24, said township and range, on the south boundary line of Linn County.

Note: See note for ORS 607.605.

607.615 Additional open range areas in Linn County. All territory in the areas described as follows is open range:

(1) Beginning at a point where the south boundary line of Linn County intersects the corner common to sections 13, 14, 23 and 24, township 15 south, range 2 west of the Willamette Meridian; thence north seven miles to the northeast corner of section 14, township 14 south, range 2 west; thence west four and one-half miles to the north quarter-corner of section 18, said township and range; thence south one and one-half miles to the center of section 19, said township and range; thence west one-half mile to the west quarter-corner of said section 19; thence south four and one-half miles along the range line between ranges 2 and 3 west to the northeast corner of section 13, township 15 south, range 3 west; thence west one-half mile to the north quarter-corner of said section 13; thence south two and one-half miles through the centers of said section 13 and section 24, said township and range, to the center of section 25, said township and range; thence west three miles through the centers of sections 26 and 27, said township and range, to the center of section 28, said township and range; thence south two and one-half miles to the south quarter-corner of section 4, township 16 south, range 3 west; thence east seven and one-half miles along the south boundary line of Linn County to the southeast corner of section 3, township 16 south, range 2 west; thence north four miles along the county boundary line to the southwest corner of section 14, said township and range; thence east one mile to the corner common to sections 13, 14, 23 and 24, said township and range, the point of beginning.

(2) Beginning at the southwest corner of section 29, township 13 south, range 2 west of the Willamette Meridian in Linn County; thence north four miles along the west lines of sections 29, 20, 17 and 8, said township and range; thence west one and one-fourth miles, more or less, along the north lines of said section 8 and section 9, said township and range, to the intersection of the north line of said section 9 with the center line of the Middle Ridge Road; thence southeasterly, easterly and northeasterly five miles, more or less, along the center line of said road through sections 9, 10, 11, 14, 2, and 1, said township and range, to the intersection of said line with the north line of said section 1; thence east two miles, more or less, along the township line between townships 12 and 13 south to the north quarter-corner of section 5, township 13 south, range 1 west; thence south one mile to the south quarter-corner of said section 5; thence east one and one-half miles to the northeast corner of section 9, said township and range; thence south three miles to the southeast corner of section 21, said township and range; thence east one mile to the northeast corner of section 27, said township and range; thence south two miles to the southeast corner of section 34, said township and range; thence west five and one-half miles along the township line between townships 13 and 14 south to the south quarter-corner of section 35, township 13 south, range 2 west; thence north one mile to the north quarter-corner of said section 35; thence west three and one-half miles along the south lines of sections 26, 27, 28 and 29, said township and range, to the point of beginning.

Note: See note for ORS 607.605.

607.620 Jefferson County Livestock District. No person owning or having custody, possession or control of any livestock, horses, mules, cattle, swine, sheep or goats, shall permit them to run at large or to be pastured upon public highways or roads or to go upon the land of another without permission of the owner of such land in the following described area of Jefferson County, such area to be known as Jefferson County Livestock District No. 2:

Beginning at the intersection of the east line of section 28 with the center of the channel of the Metolius River in township 11 south, range 11 east of the Willamette Meridian; thence in an easterly direction along the center of the channel of the Metolius River to the center of the channel of the Deschutes

River in section 22, township 11 south, range 12 east of the Willamette Meridian; thence in a southerly direction along the center of the channel of the Deschutes River to its intersection with the south line of section 6, township 13 south, range 12 east of the Willamette Meridian; thence west to the southwest corner of said section 6; thence south to the southwest corner of lot 2 in section 7, township 13 south, range 12 E. W. M.; thence west about 2 miles to the southwest corner of the northwest quarter of section 11, township 13 south, range 11 E. W. M.; thence north to the southwest corner of the northwest quarter of the northwest quarter of said section 11; thence west one mile to the southwest corner of the northwest quarter of the northwest quarter of section 10, township 13 S. R. 11 E. W. M.; thence south one-half mile to the northeast corner of the southeast quarter of the southeast quarter of section 9, said township and range; thence west one mile to the northwest corner of the southwest quarter of the southwest quarter of said section 9; thence north one and three-fourths miles to the northwest corner of lot 4, section 4, township 13 S. R. 11 E. W. M.; thence west one and one-fourth miles to the northwest corner of lot 1, section 6, said township and range; thence north one-half mile; thence west one-fourth mile; thence north one-half mile; thence west one-half mile to the northwest corner of section 31, township 12 S. R. 11 E. W. M.; thence north two miles to the northwest corner of section 19, said township and range; thence east one and one-half miles; thence north one-half mile; thence east one-half mile; thence north one-half mile to the northeast corner of section 17, said township and range; thence east one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north three-fourths of a mile; thence east one-fourth mile to the northwest corner of the northeast quarter of the northeast quarter of section 9, said township and range; thence north one and one-half miles; thence east one-fourth mile to the east line of section 33, township 11 south, range 11, E. W. M.; thence north along section lines to the point of beginning.

Note: ORS 607.620, 607.625, 607.630, 607.635, 607.640, 607.645, 607.650 and 607.655 are repealed as of the effective date of the order issued by the department under 1957 c.604 §34 that a livestock district exists in Jefferson County as provided in ORS 607.620. See 1957 c.604 §41.

607.625 Civil liability for herding animals in prohibited area. (1) Any person permitting any of the animals listed in ORS 607.620 to run at large within the portion of Jefferson County described in ORS 607.620, or herding any such animals upon the lands of any other persons in the district, shall be liable to the owner or lawful possessor of such land.

(2) The owner or possessor may collect such damages by civil action.

(3) Nothing in this section prevents such animals from being lawfully driven along any county road or highway in the area described in ORS 607.620.

Note: See note for ORS 607.620.

607.630 Taking up animals running at large in prohibited area; appraisal of expense, sale and appeal. (1) Any livestock of the kind enumerated in ORS 607.620 which is found running at large within the area described in ORS 607.620, may be taken up, held impounded and sold as provided by this section.

(2) Any person who finds any such animal running at large upon his premises or any premises of which he has lawful possession or control, whether inclosed or not, or upon any highway or roadway adjacent to such premises, is authorized to take up and sell such animal.

(3) Any person electing to take up such animal running at large shall without unnecessary delay, give notice of the taking up. The notice shall contain:

(a) A concise description of the animal, with marks and brands, if any.

(b) A statement that such animal will be sold unless redeemed.

(c) The time and place of sale.

The notice shall be delivered to the owner or person having control or charge of such animal, if he is known to the person taking up such animal and can be found in Jefferson County, by delivering a copy of it to the person. If the owner of the animal is unknown to the person taking it up or cannot be found in Jefferson County, then the notice shall be published in a newspaper of general circulation within such county in not less than two issues of such newspaper, prior to the day of sale. The first publication shall be not less than 15 days prior to the date of sale stated in the notice.

(4) If the owner of such animal, personally or by agent, appears and proves ownership of the animal at any time before

the date of sale and tenders the costs of taking up the animal, as provided by ORS 607.635, and of giving notice, and of the reasonable charges and expenses of keeping it, and in addition, pays full damages for any injuries done by the animal to the person taking it up, if any, the animal shall be released and delivered to the owner or person entitled to have charge of it and no further record or action shall be necessary.

(5) If the owner of the animal does not appear and prove ownership and make the payments as provided in subsection (4) of this section, the animal shall be sold at public auction to the highest bidder for cash. The person taking up the animal may bid at such sale. Such sale shall vest the title to the animal in the purchasers.

(6) The person making the sale shall submit the amount of damage and charges for keeping and selling the stock to three disinterested freeholders of the county who shall appraise such expenses and damages and determine the amounts to be allowed and paid to the person taking up and selling such stock. Such persons shall then allow such sum as they deem just and proper, and their decisions shall be final.

(7) However, in all cases where the damages and charges for keeping the animal is appraised in any sum in excess of $25, any person dissatisfied with the appraisal, or the amount of damages or keeping charges, may, within 90 days after the filing of the report, as provided in ORS 607.640, appeal to the Circuit Court of Jefferson County from the decision of the appraisers. The appeal shall be upon the petition setting forth all the facts in concise language and without the necessity of filing any transcript or the making of any record by the appraisers other than the filing of the report as provided in ORS 607.640. Such appeal shall be sufficient in the petition which shall be filed with the clerk of such court, and a copy of it served upon any person adversely interested, in the same way complaints are served in actions at law. No summons shall be necessary.

Note: See note for ORS 607.620.

607.635 Taking-up charges. (1) Any person who takes up any animal, as provided by ORS 607.630, is entitled to receive a taking-up charge of 50 cents for every cow, horse, mule or swine so taken up and 10 cents for each sheep or goat.

(2) The taking-up charge shall be in addition to the charges provided for in ORS 607.630 for the care and expense of keeping the animal and to any item for damages done by such animal.

Note: See note for ORS 607.620.

607.640 Report of sale and disposition of proceeds. Within 10 days after the sale provided for in ORS 607.630, the person making it shall make a full report of the proceedings relating to such sale, in writing under oath. In it he shall state the amount of damages, costs and expenses allowed to the person taking up the animals and the description and number of animals. The person making the sale shall deduct the damages, costs and expenses and apply the same to those entitled to them. He shall deposit the balance, if any, in the county treasury and take the treasurer's receipt therefor and file the receipt, together with the report, in the office of the county clerk. It shall be kept by the clerk as a public record.

Note: See note for ORS 607.620.

607.645 Recovery of balance of proceeds by owner of the animal. At any time within five years after the filing of the report, as provided by ORS 607.640, the owner of the animal sold, or his representatives or assigns, upon making proof in writing of his right thereto, is entitled to a warrant of the county treasurer for such balance without interest. Such warrant may be issued by the county clerk, upon his finding that ownership has been proven, without any action of the county court.

Note: See note for ORS 607.620.

607.650 Arbitration of damages. If the owner of animals taken up as provided by ORS 607.630 appears and proves ownership, as provided in ORS 607.630, and if he is unable to agree with the person taking up the animals as to the amount of damage done or as to the amount justly due for keeping the animals or as to costs incurred in selling them, the owner and the person taking up the animals shall each name one arbitrator and the two arbitrators so named shall choose a third. The arbitrators may swear witnesses, hear testimony, inspect the stock and premises and decide the amounts to be allowed. Their decision shall be final. If the person claiming the stock refuses to make such arbitration or to be bound by the award thereof, the sale of the stock shall be made as provided by ORS 607.630. If the person taking up the stock refuses to arbitrate or

be bound by the award of the arbitrators, then no sale of any animals shall be made, and the person claiming them shall be entitled to the possession of them. However, such person must pay or tender to the person taking up the animals the taking-up charge provided by ORS 607.635.

Note: See note for ORS 607.620.

607.655 Enforcement of Jefferson County range law. The sheriff of Jefferson County and other peace officers of the state and county shall enforce ORS 607.620 to 607.650 and arrest those found violating such sections.

Note: See note for ORS 607.620.

607.660 to 607.985 [Reserved for expansion]

PENALTIES

607.990 Penalties. (1) Violation of ORS 607.045 is punishable, upon conviction, by a fine of not more than $25.

(2) Violation of ORS 607.261 or subsection (2) or (3) of ORS 607.303 is punishable, upon conviction, by a fine of not more than $500 or by imprisonment in the county jail for not more than six months.

(3) Any person violating ORS 607.311 shall be guilty of a misdemeanor.

(4) Violation of any of the provisions of ORS 607.345 to 607.355 is punishable, upon conviction, by a fine of not less than $500 nor exceeding $5,000 or by imprisonment in the penitentiary not exceeding two years, or both. Any conviction, after the first conviction, for crimes defined by such sections, whether the first conviction was in the courts of this or any other state, is punishable by imprisonment in the penitentiary not exceeding 10 years.

(5) Violation of ORS 607.365 is punishable, upon conviction, by a fine of not less than $50 nor exceeding $400.

(6) Violation of ORS 607.510 is punishable, upon conviction, by a fine of not less than $10 nor exceeding $50 or by imprisonment in the county jail for not less than 30 nor exceeding 90 days, or both.

(7) Violation of any of the provisions of ORS 607.505, 607.515 or 607.620 to 607.655 is punishable, upon conviction, by a fine not exceeding $50 for the first offense and not exceeding $100 for any subsequent offense.

(8) Violation of ORS 607.520 or 607.605 is punishable, upon conviction, by a fine not exceeding $100.

(9) Violation of ORS 607.525 is punishable, upon conviction, by a fine of not less than $10 nor exceeding $100 for each offense. [Amended by 1953 c.367 §13; subsection (2) enacted as 1957 c.604 §39; subsection (3) enacted as 1953 c.367 §10; subsection (5) formerly 606.990; subsection (9) enacted as 1953 c.264 §1; 1957 c.604 §40]

CERTIFICATE OF LEGISLATIVE COUNSEL

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

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel