Chapter 477

1961 REPLACEMENT PART

Protection of Forests and Inflammable Vegetation from Fire

DEFINITIONS; FIRE DISTRICTS AND FIRE WARDENS

477.001 Definitions
477.004 Fire protection laws, administrative rules; official fire districts
477.005 Declaration of policy
477.006 District fire wardens; appointments; compensation
477.008 Duties of district fire warden
477.010 Ex-official and additional fire wardens; appointment and compensation; payment of expenses
477.012 Duties and powers of wardens
477.014 Nonperformance of duty by warden; refusal to assist warden prohibited
477.020 Fire wardens and fire permits in federal grazing districts

CONTROL AND PREVENTION OF FOREST FIRES; FIRE PATROL SYSTEM

477.024 Duty of owner to protect forest land from fire; forester's duty to provide fire protection upon noncompliance by owner
477.026 Establishment of fire protection districts for which forester is required to provide fire protection
477.028 Forester may enter into cooperative agreements for maintenance of coordinated fire protection system
477.030 Basis for computing costs of protection provided by forester; costs to be in accordance with budget
477.033 Costs incurred by forester to be a lien; collection of costs; deposit of amounts collected in State Board of Forestry Account
477.035 Costs incurred by forester in excess of amounts budgeted to be included in next budget and levied and assessed against lands in district
477.037 Liability of person paying assessments or belonging to protective agency or organization
477.039 Hearing before board on owner's request; advance request for hearing on costs
477.041 Forester to prepare tentative budget estimates for fire protection districts; contents
477.043 Owners entitled to be heard on budget matters; public budget meetings to be held in each district
477.045 Publication of notice of budget meeting
477.047 Holding of budget meeting; revision and submission of budget for final approval
477.049 Appeal to State Board of Forestry
477.051 Board to deal with budgets and appeals at its June meeting
477.053 Lands not provided fire protection by forester; lands not included within scope of ORS 477.024 to 477.055
477.055 Reporting 1953-54 fire protection costs; costs after July 1, 1954, reported as required by ORS 477.033
477.062 Inadequately protected forest land declared nuisance; notice to protect; work at expense of owner; collection of amount expended
477.064 Uncontrolled fire declared nuisance
477.066 Duty to abate fire; abatement by authorities
477.068 Liability for cost of abatement; lien; foreclosure
477.069 Negligence in origin and in failure to control fire may be united in one complaint
477.070 Effect of payment of fire patrol assessment or membership in control organization
477.071 Notice of fire
477.073 Fire patrol system; cooperative agreements
477.101 Liability of person causing fire on forest land for cost of abatement

COOPERATIVE AGREEMENTS FOR FIRE PROTECTION AND FINANCING THEREOF

477.133 Cooperative agreements for fire protection for Class A forest lands; payment of costs from Forest Emergency Fire Cost Fund
477.135 Cooperative agreements for fire protection for Class B forest lands; payment of costs from Forest Emergency Fire Cost Account

CLOSED SEASON; REGULATIONS GENERALLY

477.152 Unlawful to set fire during certain period without permit; forester's authority to prescribe conditions; exceptions
477.154 Governor may suspend permits or declare closed season
477.156 Governor may proclaim area subject to limited uses during closed season
477.158 Restrictions imposed during closed season
477.160 Notice of proclamation; publication; contents
477.162 Violation of closure conditions prohibited; access to area for fire fighting permitted
477.165 Acts prohibited during closed season

CLOSED SEASON; REGULATION OF MACHINERY AND EQUIPMENT

477.182 Use of engines without spark arrester; waiver of requirement; steam engines, ashpans; locomotive, screen or ashpan; persons liable; evidence of guilt; injunctive relief
477.184 Water supply and equipment for stationary engines
477.186 Fire fighting equipment for mill or woods operation, engines and trucks
477.187 Additional fire protection facilities for logging or sawmill operation

477.188 Clearing or moistening ground; watchman service; waiver of requirements

PLANT, MACHINERY AND EQUIPMENT REGULATIONS GENERALLY; SNAGS

477.212 Additional equipment for operation using logging railroad and truck roads
477.215 Requirements concerning the installation or operation of a mill or plant
477.217 Felling dead trees and snags
477.218 Violation of ORS 477.184 to 477.188 and 477.212 prohibited; injunctive relief

SLASHING; RIGHTS OF WAY

477.242 Slashing; annual burning required
477.244 Burning slashing; closed season; methods; exceptions; release; orders
477.246 Clearing rights of way; permit; placing clearing debris on another's land
477.248 Clearing rights of way on forest land by state, counties or cities

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

477.282 When use of fire or power-driven machinery prohibited
477.284 State Forester to determine existence of hazard; notice to entrant
477.286 Permit to use fire or power-driven machinery; conditions
477.288 Authority to issue, refuse, suspend or revoke permit
477.290 Use and refueling of portable power saws

MISCELLANEOUS PROVISIONS

477.302 Appropriations by counties for forest protection
477.304 Clearing ground around campfire required; leaving campfire burning or unattended prohibited
477.306 Wilful injury to or removal of notice prohibited
477.308 Private informer to receive one-half of fine; disposition of fines
477.310 Civil liability in damages for violations of forest protection law
477.312 District attorneys to prosecute for violations of the forest protection law; application of section to magistrates
477.314 Jurisdiction of courts over actions to recover costs for protecting forest lands; disposition of moneys collected

TAXES ON EAST SIDE FOREST AND GRAZING LANDS FOR EQUALIZATION OF EMERGENCY FIRE SUPPRESSION COSTS

(Harvest Tax: Class D Lands)

477.810 Definitions for ORS 477.810 to 477.850 and 477.950 to 477.970
477.820 Class D forest lands defined
477.830 Harvest tax; rate; collection provisions
477.840 Suspending tax levy when certain conditions exist
477.850 Disposition of revenues

(Acreage Tax: Class C Lands)

477.910 Definitions for ORS 477.910 to 477.970
477.920 Declaration of policy
477.930 Levy of privilege tax on the use of Class C forest lands
477.940 Rate of tax
477.950 Suspending tax levy when certain conditions exist
477.960 Manner and procedures for collecting tax
477.970 Disposition of revenues

PENALTIES

477.993 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Contracts for care of forest lands to provide for fire control, burning permits, 526.350, 526.360
Enemy attack, continuity of government in event of, 236.445, 236.450
Fire laws to be administered to promote the primary use for which the forest land is classified, 526.350
Forest fires, policy regarding prevention and suppression, 321.011
Forest Protection and Conservation Committee to perform duties relating to fire protection, 527.282
Inmates of penitentiary and correctional institution, fire-fighting labor, 421.470
Motor vehicles used for fire protection and suppression by forest fire protection district, registration and licensing, 481.075
Permit to extract pitch, 527.260
Prevention and control of fire in rural areas, 476.310 to 476.340
Rules and regulations for enforcement of fire laws, 526.020
Rural fire protection districts, Ch. 478
State Forester, duties of, 526.020
State forests, protection of, 530.050, 530.500
Taxation, exemption of real and personal property of fire protection and suppression districts, organizations and agencies, 307.125
Workmen's compensation, forest fire fighting as hazardous occupation, 656.084

477.005

Communication equipment, leasing of by State Forester, 526.160
Fire protection and control on certain land, 476.310 to 476.340

477.033

Repayment of advancements to Forest Patrol Fund Account (now part of State Board of Forestry Account), 1953 c.407

477.133

Applicable definitions, 321.005

477.135

Applicable definitions, 321.005

477.156

Governor may prohibit hunting because of excessive fire danger, 496.040

477.212

Removal of inflammable material from railroad rights of way required, 761.420

477.282 to 477.288

Suspension of permits for failure to comply with ORS 527.160, 527.160

477.310

Damages for injury to or removal of trees, 105.810
Liability for damages resulting from burning operations under supervision of forester or warden, 526.360

477.314

Expenditures without allotment prohibited in certain cases, 291.238

477.970

Special rule for 1961-63 biennium on using revenues for administrative costs, 1961 c.376 §3]

477.993

Related offenses involving fire, 164.040 to 164.110, 449.515, 476.710, 476.715

DEFINITIONS; FIRE DISTRICTS AND FIRE WARDENS

477.001 Definitions. In this chapter, except for ORS 477.133 and 477.135 and 477.910 to 477.970, unless the context otherwise requires:

(1) "Anyone," "everyone," "one," "owner" or "person" means any person, firm, association or corporation.

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

(3) "Closed season" means the period designated pursuant to ORS 477.152 and 477.154.

(4) "County authority" means the county court or board of county commissioners.

(5) "Fire protection district" means any district designated by the forester under authority of ORS 477.026 for the purposes of ORS 477.024 to 477.055.

(6) "Forest land" means any forested land, woodland, brushland, cutover land or clearing, which, during any time of the year, contains enough inflammable forest growth or debris to constitute a fire hazard.

(7) "Forest patrol assessment" or "fire patrol assessment" means the costs levied and assessed under ORS 477.033.

(8) "Forester" means the State Forester or his authorized representative.

(9) "Grazing land" means any forest land within a fire protection district, which has been classified as Class 3, agricultural class, by a classification committee or by the forester, as provided by ORS 526.310 to 526.350.

(10) "Official fire district" means any district designated by the forester under authority of ORS 477.004.

(11) "Operation" means any industrial activity or any development on forest land, or within one-eighth of one mile of forest land, including but not limited to the clearing of land or rights of way, logging or sawmilling, excluding, however, the culture and harvesting of agricultural crops.

(12) "Operation area" means any land upon which an operation is being conducted or has been conducted, and by reason thereof, an additional fire hazard has been created and exists thereon and has not been released by the forester under ORS 477.242 and 477.244.

(13) "Operator" means any person who, either by himself or through his employes, agents, representatives or contractors, is carrying on or has carried on any operation.

(14) "Easement holder" for purposes of ORS 477.037 and ORS 477.064 to 477.071 means anyone owning, holding or using an easement, right-of-way, permit, license or other similar interests to cross or use forest land.

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

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

(17) "Timberland" means any forest land within a fire protection district which has not been classified as Class 3, agricultural class, under the provisions of ORS 526.310 to 526.350.

(18) "Warden" means fire warden.

[1959 c.363 §2 (enacted in lieu of ORS 477.002); 1961 c.603 §1]

477.002 [Amended by 1953 c.68 §19; subsection (2) of 1957 Replacement Part enacted as 1953 c.372 §2; subsection (5) of 1957 Replacement Part enacted as 1953 c.152 §1; amended by 1955 c.158 §1; repealed by 1959 c.363 §1 (ORS 477.001 enacted in lieu of ORS 477.002)]

477.003 [1959 c.363 §20; repealed by 1961 c.351 §1]

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

477.005 Declaration of policy. (1) The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon.

(2) In order to accomplish the purposes of the policy stated in this section:

(a) The need for a complete and coordinated fire protection system is acknowledged; and

(b) This chapter shall include all persons and activities designated in this chapter, irrespective as to whether or not such person or activity is concerned with the harvesting, cutting, removal or marketing of trees, timber or other forest products.

[Formerly 477.022]

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

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

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

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

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

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

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

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

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

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

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

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

(5) The forester, or any warden or ranger coming under his jurisdiction, may administer oaths in investigations of violations of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.217, 477.218, 477.242 to 477.246, 477.304, 477.306, 477.312 and 761.420 and the preparation of reports thereon. Any false statements made under oath so administered shall constitute perjury.

477.014 Nonperformance of duty by warden; refusal to assist warden prohibited. (1) No warden receiving compensation shall fail to comply with the duties prescribed by ORS 477.008 and 477.012.

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

477.016 to 477.018 [Reserved for expansion]

477.020 Fire wardens and fire permits in federal grazing districts. (1) The State Forester shall appoint one or more fire wardens for each federal grazing district located wholly or partially within this state. Officers or employes of the United States may be appointed fire wardens for the purpose of this section; provided, that when so appointed, such federal employes shall have only such of the powers and duties prescribed in this section as they are authorized to accept under the laws and regulations of the United States.

(2) Fire wardens appointed under this section shall have the same powers and duties as those given fire wardens by ORS 477.012 and 477.014 in so far as such powers and duties are necessary to protect persons and property within their districts from the dangers of fire.

(3) Each year during the closed season, as defined in ORS 477.001, no person shall set on fire or cause to be set on fire any forest land, brush land, grass, grain, stubble or debris within the area inclosed by the outside boundaries of any federal grazing district established by the United States Department of the Interior, whether such fire is set upon his own land or the land of another, unless he has first secured a written permit from a fire warden appointed for a grazing district, and complies with all laws, rules and regulations pertaining thereto.

(4) This section shall not apply to any lands within the boundaries of any city, town or village or to any land that does not border or corner on the federal range.

(5) Any fire warden in a grazing district may prescribe with the issuance of fire permits, the conditions and rules necessary for the use of fire permits for the purpose of minimizing fire danger to life and property in that district. He may refuse to issue a permit, revoke or postpone the use of permits previously issued and prescribe conditions under which permits will not be required. Any permit obtained through wilful misrepresentation is void.

[1959 c.408 §§1, 2, 3, 4, 5]

CONTROL AND PREVENTION OF FOREST FIRES; FIRE PATROL SYSTEM

477.022 [1953 c.372 §1; 1961 c.603 §2; renumbered 477.005]

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

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

(3) In case any owner of forest land shall fail or neglect to file such a fire plan or maintain the standard of protection approved by the board, either through compliance with the fire plan or membership in an approved association, then the forester under the direction of the board shall provide such fire protection pursuant to the provisions of ORS 477.024 to 477.055.

(4) The forester shall provide fire protection pursuant to ORS 477.024 to 477.055 for forest land owned by the state or by a county or municipal corporation located within a fire protection district designated pursuant to ORS 477.026, unless adequate fire protection as required by this section is otherwise provided.

[1953 c.372 §3; 1955 c.318 §1]

477.026 Establishment of fire protection districts for which forester is required to provide fire protection. The forester, pursuant to ORS 477.004, shall designate certain areas of forest land within the state as fire protection districts for which the forester is required to provide fire protection pursuant to ORS 477.024. In establishing new boundaries or changes in boundaries of the fire protection districts, the forester may, for the purposes of administrative convenience, designate mountain ranges, rivers, streams, roads or other recognizable landmarks as boundaries; such establishment or change shall be after a public hearing for the landowners concerned.

[1953 c.372 §4]

477.028 Forester may enter into cooperative agreements for maintenance of coordinated fire protection system. (1) The forester with the approval of the board may, for the purpose of maintaining a coordinated fire protection system for the prevention and suppression of fire on forest land, enter into cooperative agreements or contracts with the United States or any responsible fire protective agency composed of landowners having forest land within the fire protection district.

(2) All moneys received by the forester pursuant to subsection (1) of this section shall be paid into the State Treasury and credited to the State Board of Forestry Account for the purposes of ORS 477.024 to 477.053.

[1953 c.372 §5; 1957 c.83 §6; 1959 c.363 §3]

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

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

(2) Timberlands within a fire protection district shall be protected by the forester at a pro rata cost per acre for all timberlands within the fire protection district boundary. The cost of such protection shall be in accordance with a budget for the fire protection district approved by the board.

[1953 c.372 §6; 1959 c.363 §4]

477.032 [Renumbered 477.062]

477.033 Costs incurred by forester to be a lien; collection of costs; deposit of amounts collected in State Board of Forestry Account. (1) The budgeted cost of the forester, as provided for in ORS 477.024 to 477.055, in providing the fire protection for privately owned forest land shall be a lien upon such property, and shall be reported by the forester to the county authority of the county in which the lands are situated, and shall by the authority be levied and collected with the next taxes on the land in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state. The county authority shall instruct the proper officer to extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and, upon collection thereof, the county authority shall repay the entire amount collected to the forester.

(2) The budgeted cost of the forester in providing the fire protection for forest land owned by the state or by a county or municipal corporation shall be paid to the forester on or before the first day of January of the fiscal year for which such protection is to be provided.

(3) All moneys received by the forester pursuant to this section shall be paid into the State Treasury and credited to the State Board of Forestry Account and shall be used exclusively for the purposes of ORS 477.024 to 477.055.

[1953 c.372 §7; 1955 c.318 §2; 1957 c.83 §7; 1961 c.603 §3]

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

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

(2) Actual costs incurred by the forester in the suppression of fire on timberland in

any fire protection district in excess of the amount budgeted as required by ORS 477.030, shall be included in the budget for the next fiscal year and shall be levied and assessed against the timberlands in the district without regard to proceedings for the collection of such costs. Prior to the levy and assessment, such excess costs on the timberlands may be reduced or equalized by any emergency moneys made available to the forester for such purpose. Thereafter, any amount of such costs collected shall be credited to the timberland on a pro rata acreage basis up to the amount that such excess costs have been assessed and paid, the remaining amount, if any, shall reimburse the emergency fund.
[1953 c.372 §8]

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

477.037 Liability of person paying assessments or belonging to protective agency or organization. Payment of forest patrol assessments, or membership in a forest protective agency or organization as described in ORS 477.028, 477.066 and 477.070, shall relieve the owner, easement holder, operator and person in possession of the obligations set forth in ORS 477.024 to 477.055 and ORS 477.064 to 477.071; provided, however, the obligations under ORS 477.064 to 477.071 shall not be relieved as to any such owner, easement holder, operator or person in possession, respectively, who causes or permits the forest land to become and be an operation area, or who is wilful, malicious or negligent in the origin of the fire.
[1953 c.372 §9; 1959 c.363 §5; 1961 c.603 §5]

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

477.039 Hearing before board on owner's request; advance request for hearing on costs. Any owner of grazing land or timberland subject to ORS 477.024 to 477.055 shall, upon request, be granted a hearing before the board on any subject pertaining to the activities of the forester or board affecting the land. Any hearings pertaining to costs charged against land for protection thereof must be requested in advance of the meeting of the board, which shall be held on the first Wednesday following the first Monday in June at the State Capitol Building, Salem, Oregon.
[1953 c.372 §10]

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

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

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

(2) Estimated receipts available to the district.

(3) Estimated general expenditures:

(a) Salaries and wages.

(b) General operation and maintenance.

(c) Capital outlay.

(d) Administration.

(4) Estimated fire suppression expenditures:

(a) Estimated normal fire suppression costs.

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

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

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

477.042 [Amended by 1953 c.661 §2; renumbered 477.071]

477.043 Owners entitled to be heard on budget matters; public budget meetings to be held in each district. (1) All owners of lands assessed under provisions of ORS 477.024 to 477.055 shall have an opportunity to be heard on matters pertaining to the budgeting of moneys required to defray the cost of fire protection in each fire protection district. The forester, under the direction of the board, hereby is required to provide for the holding of a public budget meeting in each fire protection district on or before May 1 of each year. The meeting shall be held at any convenient place designated by the forester. A member of the board, or in lieu of such member the State Forester or his designated representative, shall act as chairman of the meeting. The State Forester shall cause the minutes of the meeting to be kept and preserved for the record.

(2) In fire protection districts wherein the board has entered into contracts with fire protection agencies, the board may make provision in the contract for the holding of the public budget meeting required in subsection (1) on the same date and at the same place as a regular meeting of the agency.
[1953 c.372 §§12, 16; 1957 c.32 §1]

477.044 [Repealed by 1953 c.372 §22]

477.045 Publication of notice of budget meeting. Not more than four weeks preceding each budget meeting, the forester shall cause notice of such meeting to be published once a week for two consecutive weeks in one or more newspapers published in or having general circulation in each of the counties in the fire protection district and in such other media of communication as the forester shall deem advisable; provided, that the final publication shall be made at least one week prior to the date of the meeting. The notice shall state the time and place where the tentative budget for the fire protection district may be inspected and shall state the time and place of the meeting. [1953 c.372 §13]

477.046 [Repealed by 1953 c.372 §22]

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

477.048 [Repealed by 1953 c.372 §22]

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

477.050 [Amended by 1953 c.37 §2; renumbered 477.073]

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

477.053 Lands not provided fire protection by forester; lands not included within scope of ORS 477.024 to 477.055. (1) The forester shall not be required to provide fire protection for forest land that is either a small parcel or a tract isolated from a fire protection district and which land is deemed by the forester as not practicable to be included in a fire patrol system.

(2) ORS 477.024 to 477.055 shall not apply to federal grazing land or federal timberlands within the state for which adequate fire protection is provided unless the lands have been included within the boundaries of a fire protection district pursuant to terms of a cooperative agreement with the Federal Government approved by the board.

(3) Upon written request of the owner of lands which have been incorporated within a rural fire district, the forester shall determine whether such lands, or any part thereof, are forest land as defined by ORS 477.001; thereafter, those lands which have been so determined shall be included within the provisions of ORS 477.024 to 477.053 unless excluded pursuant to subsection (1) of this section.
[1953 c.372 §18; 1955 c.318 §3; 1961 c.603 §6]

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

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

(2) The estimated costs of providing fire protection required by ORS 477.024 to 477.055 during the fiscal year beginning

July 1, 1954, and during each fiscal year thereafter shall be reported to the county authority on or after July 1 of each fiscal year by the forester pursuant to ORS 477.033.
[1953 c.372 §19]

477.056 to 477.060 [Reserved for expansion]

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

(2) Whenever the forester learns thereof he shall, by 10 days' notice in writing, direct the owner or person in control or possession of such forest land to take proper steps for its protection and advise him of means and methods to that end. In case of refusal or neglect by anyone, after such notice, to take precautions against fire required by law or directed by the forester, then the forester or any district warden or ranger, acting with consent of the forester, may have such work done as he deems requisite to public safety for the protection of life or property, summarily, without the necessity of court action

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

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

477.066 Duty to abate fire; abatement by authorities. The owner, easement holder, operator and person in possession of forest land on which a fire exists, or from which it may have spread, or any of them, notwithstanding the origin or subsequent spread thereof on his own or other land, shall make every reasonable effort to control and extinguish such fire immediately when its existence comes to his knowledge, without awaiting instructions from the forester, warden or ranger and shall continue until the fire is extinguished. If the owner, easement holder, operator, or person in possession fails so to do, or if the fire is burning uncontrolled, the forester, or any forest protective agency under contract with the State Board of Forestry for the protection of forest land against fire, and within whose protection area the fire exists, shall summarily abate the nuisance thus constituted by controlling and extinguishing the fire.
[Formerly 477.036; 1961 c.603 §7]

477.068 Liability for cost of abatement; lien; foreclosure. (1) In case such owner, easement holder, operator and person in possession, or any of them, shall fail to make the effort required by ORS 477.066, or where such owner, easement holder, operator or person in possession is wilful, malicious or negligent in the origin of the fire, the actual cost of controlling or extinguishing the fire shall be recovered from such owner, easement holder, operator or person in possession when necessary by an action prosecuted in the name of the State of Oregon or such forest protective agency or both.

(2) An itemized statement of the actual costs incurred by the forester or agency, or both, certified to by the forester, shall be accepted as prima facie evidence of such costs in any suit or action authorized by this section.

(3) The cost in cases covered by ORS 477.066 shall constitute a general lien upon the real and personal property of such owner, easement holder, operator or person in possession. A written statement and notice of the lien, containing a description of the property and a statement of the cost, shall be certified under oath by the forester or any warden and filed in the office of the county clerk of the county in which the lands and personal property are situated within six months after extinguishment of the fire, and may be foreclosed by suit in the manner provided by law for foreclosure of liens, for labor and material. The lien provided for in this section shall be inferior to any existing lien.

(4) Upon request of the forester, the district attorney for the district in which the lands and personal property are situated or the Attorney General shall prosecute such action or foreclose the lien in the name of

the State of Oregon or such forest protective agency or both. Liens provided for in this section shall cease to exist unless suit for foreclosure is instituted within six months from the date of filing the same.
[Formerly 477.038; amended by 1955 c.218 §1; 1959 c.363 §6; 1961 c.603 §8]

477.069 Negligence in origin and in failure to control fire may be united in one complaint. Notwithstanding ORS 16.220 and 16.230, or any other law, in the instance of a fire occurring as described in ORS 477.064, or any other fire or spot fire therefrom, wherein the owner, easement holder, operator or person in possession, or any of them, has been wilful, malicious or negligent in the origin of the fire and also has failed to make the effort required by ORS 477.066, the plaintiff, in bringing the action authorized by ORS 477.068, may unite in the same complaint such causes permitting collection of the cost incurred by the plaintiff under ORS 477.066. The provisions of this section shall not apply to any acts, omissions, actions, suits or proceedings occurring or commenced prior to April 19, 1957.
[1957 c.157 §1; 1961 c.603 §9]

477.070 Effect of payment of fire patrol assessment or membership in control organization. If fire patrol assessments are regularly paid for the forest land described in ORS 477.068 or such land is protected pursuant to membership in an organization approved by and under contract with the board, which organization has undertaken the control and suppression of fires on such land as provided in the contract, the owner, easement holder, operator or person in possession shall not be subject to the penalties prescribed by ORS 164.070, or be held as maintaining a nuisance as defined in ORS 477.064, unless he or his agent is wilful, malicious or negligent in the origin of the fire. However, payment of fire patrol assessments or membership in an organization under contract with the board shall not relieve any owner, easement holder, operator or person in possession of forest land from the obligation imposed by ORS 477.066 and 477.068 to control and prevent the spread of fire if he has caused or permitted, through agreement or otherwise, that land to become and be an operation area.
[Formerly 477.040; amended by 1955 c.218 §2; 1959 c.363 §7; 1961 c.603 §10]

477.071 Notice of fire. For the purpose of ORS 477.066, notification to the owner, operator and person in possession of the forest land, or any of them, shall be considered good and sufficient notice to the owner of the existence of a fire.
[Formerly 477.042; 1961 c.603 §11]

477.072 [Repealed by 1953 c.372 §22]

477.073 Fire patrol system; cooperative agreements. (1) Under authority of the State Board of Forestry, the State Forester may, for the purpose of maintaining a fire patrol system for the prevention and suppression of fires in any forest land, brush, grass or other inflammable vegetation or material, enter into cooperative agreement with the Federal Government, any state agency, county, municipality, rural fire district or association of land owners, or any of them, under such terms as he deems advisable, and may renew, revise or terminate the agreements.

(2) All moneys received by the State Forester pursuant to subsection (1) of this section shall be paid into the State Treasury and credited to the State Board of Forestry Account and shall be used for the respective purposes of the cooperative agreements referred to in subsection (1) of this section.
[Formerly 477.050; amended by 1957 c.83 §8]

477.074 [Repealed by 1953 c.372 §22]

477.076 [Repealed by 1953 c.372 §22]

477.078 [Repealed by 1953 c.372 §22]

477.080 [Repealed by 1953 c.372 §22]

477.082 [Repealed by 1953 c.372 §22]

477.084 to 477.100 [Reserved for expansion]

477.101 Liability of person causing fire on forest land for cost of abatement. Notwithstanding other provisions of law, any person who wilfully or negligently sets or causes to be set on fire any forest land, including but not limited to forest, woods, timber, brush, slashing or forest refuse and debris, which fire escapes and burns uncontrolled, and for which the forester or his contractors are required to expend moneys for fire fighting efforts to control and suppress said fire, said person shall be liable to the State of Oregon for the actual costs so incurred by the forester or his contractors. The costs shall be recovered from the person liable therefor, when necessary, by a civil action in the name of the State of Oregon; upon request by the forester, the Attorney General or the appropriate district attorney shall institute and carry out such action.
[1959 c.363 §19]

477.102 [Repealed by 1953 c.372 §22]

477.104 [Repealed by 1953 c.372 §22]

477.106 [Repealed by 1953 c.372 §22]

477.108 [Repealed by 1953 c.372 §22]

477.110 [Repealed by 1953 c.372 §22]

477.112 [Repealed by 1953 c.372 §22]

477.114 to 477.130 [Reserved for expansion]

COOPERATIVE AGREEMENTS FOR FIRE PROTECTION AND FINANCING THEREOF

477.132 [Repealed by 1953 c.375 §38]

477.133 Cooperative agreements for fire protection for Class A forest lands; payment of costs from Forest Emergency Fire Cost Fund. (1) As used in this section, "fiscal year" means that fiscal year designated in ORS 477.041.

(2) The administrator appointed by the Forest Protection and Conservation Committee, with the approval of the committee, may enter into uniform cooperative agreements with the board and any association of forest land owners engaged in forest fire protection and suppression for Class A forest lands under such terms as the committee considers advisable in order to carry out the purposes and intent of ORS 321.005 to 321.225, 477.133, 477.135 and 527.280 to 527.292. Such agreements shall provide for the certification and payment of fire suppression costs from the Forest Emergency Fire Cost Fund, continued in existence by ORS 321.175, to fire protection associations and districts that have expended at least two cents per acre during the fiscal year for fire suppression costs for Class A forest lands. When a fire originates during one fiscal year, continues burning during the fiscal year next following and two cents per acre is expended during the fiscal year of the origin of the fire, such expenditure shall qualify a fire protection district or private association for payment of fire suppression costs from the Forest Emergency Fire Cost Fund if all other requirements of this section are complied with. The agreements shall provide for additions to and advances from the Forest Emergency Fire Cost Fund from and to such associations and districts. The payment of all claims against or advances from the Forest Emergency Fire Cost Fund shall be pursuant to the terms of such cooperative agreements and shall be conditioned upon presentation to the administrator of a certified statement of fire suppression costs.

(3) Agreements by the State Forester made pursuant to section 3, chapter 89, Oregon Laws 1951, with respect to Class A forest lands before July 21, 1953, shall be deemed agreements made pursuant to subsection (2) of this section and after July 21, 1953, such agreements shall be administered by the administrator and the committee in the same manner as agreements made by the administrator and the committee pursuant to subsection (2) of this section.
[1953 c.375 §31; 1957 c.309 §10]

477.134 [Repealed by 1953 c.375 §38]

477.135 Cooperative agreements for fire protection for Class B forest lands; payment of costs from Forest Emergency Fire Cost Account. (1) As used in this section, "fiscal year" means that fiscal year designated in ORS 477.041.

(2) The administrator appointed by the Forest Protection and Conservation Committee, with the approval of the committee may enter into uniform cooperative agreements with the board and any association of forest land owners engaged in forest fire protection and suppression for Class B forest lands under such terms as the committee considers advisable to carry out the purposes and intent of ORS 321.005 to 321.225, 477.133, 477.135 and 527.280 to 527.292. Such agreements shall provide for the certification and payment of fire suppression costs from the Forest Emergency Fire Cost Account, created by ORS 321.165, to fire protection associations and districts that have expended at least two cents per acre during the fiscal year for fire suppression costs for Class B forest lands. When a fire originates during one fiscal year, continues burning during the fiscal year next following and two cents per acre is expended during the fiscal year of the origin of the fire, such expenditure shall qualify a fire protection district or private association for payment of fire suppression costs from the Forest Emergency Fire Cost Account if all other requirements of this section are complied with. The agreements shall provide for additions to and advances from the Forest Emergency Fire Cost Account from and to such associations and districts. The payment of all claims against or advances from the Forest Emergency Fire Cost Account shall be pursuant to the terms of such cooperative agreements and shall be conditioned upon presentation to the administrator of a certified statement of fire suppression costs.

(3) Agreements by the State Forester made pursuant to section 3, chapter 89, Oregon Laws 1951, with respect to Class B forest lands before July 21, 1953, shall be deemed agreements made pursuant to subsection (2) of this section and after July 21, 1953, such agreements shall be administered by the administrator and the committee in the same manner as agreements made by the administrator and the committee pursuant to subsection (2) of this section.
[1953 c.375 §32; 1957 c.309 §11]

477.136 [Repealed by 1953 c.375 §38]

477.138 to 477.150 [Reserved for expansion]

CLOSED SEASON; REGULATIONS GENERALLY

477.152 Unlawful to set fire during certain period without permit; forester's authority to prescribe conditions; exceptions. (1) Each year between April 1 and December 31, which is designated the closed season, no one shall set on fire, or cause to be set on fire, any forest land, grass, grain, stubble, debris or other such inflammable materials within the boundaries of an official fire district, either on his own or the property of another, without first securing a written or printed permit from the forester or a warden and complying with its terms.

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

(3) Any warden may refuse, revoke or postpone permits when necessary to prevent danger to life or property. Any permit obtained through wilful misrepresentation is invalid.
[Amended by 1953 c.68 §19; 1955 c.450 §1; 1959 c.363 §8; 1961 c.603 §12]

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

477.156 Governor may proclaim area subject to limited uses during closed season. (1) Whenever or wherever, during the closed season it appears to the Governor, upon the showing of the State Forester, that the use or unregulated use of any forest area is, in the judgment of the forester, a menace to life or property, due to an excessive amount of inflammable material existing on the area or other conditions tending to cause or allow the rapid spread of fires which may occur on such area or because of its inaccessible character due to the lack of suitable roads, he may, by proclamation, declare such condition therein, designating the area to which and the period during which the proclamation shall apply, and requiring that the area shall be subject to use only upon the condition that entrants comply with all the requirements or conditions as promulgated for any area.

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

(a) Regulated closure;

(b) Permit closure; or

(c) Absolute closure.
[Amended by 1953 c.68 §19]

477.158 Restrictions imposed during closed season. (1) Regulated closures shall require the entrants to comply with any or all of the following as set forth in the proclamation:

(a) Smoking restrictions as specified by the forester.

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

(c) Have as equipment when using campfires, except when traveling as a pedestrian

or camping at improved, designated and posted campgrounds, tools as specified by the forester suitable for extinguishing fires.

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

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

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

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

(3) Absolute closures shall restrict the areas to all forms of use and shall be designated only during periods of extreme fire hazard conditions endangering life and property. However, nothing herein contained shall be construed as prohibiting access to any area for the sole purpose of preventing or extinguishing fires.

[Amended by 1953 c.68 §19; 1957 c.32 §2; 1959 c.363 §9]

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

[Amended by 1953 c.68 §19]

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

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

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

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

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

(3) During the closed season it shall be unlawful to use explosives in the topping of trees in forest land unless approval is granted by the forester.

[1953 c.68 §14]

477.166 to 477.180 [Reserved for expansion]

CLOSED SEASON; REGULATION OF MACHINERY AND EQUIPMENT

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

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

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

(4) No person shall fail to comply with the foregoing provisions of this section or

shall operate or allow to be operated any locomotive, steam or internal combustion engine in violation of the terms hereof.

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

477.184 Water supply and equipment for stationary engines. (1) Except as otherwise provided in subsections (3) and (4) of this section, every person operating a stationary steam or internal combustion engine during the closed season at a sawmill site or logging side in or within 300 feet of inflammable debris on forest land shall provide at each engine:

(a) An efficient water pressure pump with water supply of 500 gallons.

(b) An efficient gravity water system with water supply of 500 gallons.

(2) The pump or system required by subsection (1) of this section shall be:

(a) Of a size and capacity to provide not less than 40 pounds nozzle pressure at pump level on 500 feet of hose of at least three-quarter inch inside diameter.

(b) Equipped with not less than 500 feet of hose of at least three-quarter inch inside diameter with a nozzle at least one-fourth inch in diameter; but the forester may approve a nozzle of less than one-fourth inch in diameter attached to high pressure fog equipment when such nozzle and equipment is adequate for the existing fire hazards.

(3) When a person has equipped one engine as required by subsections (1) and (2) of this section, any additional engines operated by the person within 150 feet of the equipped engine shall be exempt from the requirements of subsections (1) and (2) of this section.

(4) The forester may modify or waive in writing any requirement of this section when the operation will not constitute a fire hazard sufficient to justify the requirement.

(5) For the purposes of this section, a steam or internal combustion engine shall be considered stationary if it is operated at any one sawmill site or logging side for a period of more than two days.

[Amended by 1953 c.68 §19; 1955 c.158 §2]

477.186 Fire fighting equipment for mill or woods operation, engines and trucks. During the closed season:

(1) Everyone conducting a mill or woods operation in or within one-eighth of one mile of forest land shall maintain at the woods landing or mill or at a location designated by the forester or a warden, in condition and readiness for fire fighting purposes at all times, except when in use for fighting fire, a tool box or boxes painted red and plainly marked "For fire only." The lid of each tool box shall readily permit fastening with a metal seal.

(2) The tool box or boxes required by this section shall contain sufficient tools to equip the entire woods or mill personnel, or both, for fighting fire; but the number of such tools shall not be less than four nor more than 100, exclusive of felling and bucking tools, for each woods or mill operation. The tools shall consist of shovels, hazel hoes, axes, water buckets, pump cans and such other equivalent tools as the forester or warden shall specify. The tools shall be used only for fighting fire and for no other purpose. When two or more pieces of power-driven equipment are used at a landing or "side" and such equipment is in excess of 600 feet distant from another piece of such equipment, a tool box or boxes and tools, as provided in this section, shall be maintained at each piece of equipment.

(3) Each internal combustion engine used in logging or sawmilling shall be equipped with a fire extinguisher of a size and capacity as approved by the forester, kept in constant repair and readiness for instant use.

(4) All trucks driven over roads through forest land for the purposes of industrial activity or development, excepting county roads and state highways, shall be equipped with not less than one shovel, one axe and a fire extinguisher of a size and capacity as approved by the forester, kept in constant repair and readiness for instant use.

[Amended by 1953 c.68 §19; 1955 c.158 §3; 1957 c.32 §3]

477.187 Additional fire protection facilities for logging or sawmill operation. (1) During the closed season, when any logging

or sawmill operation in or within one-eighth of one mile of forest land has a fire hazard requiring additional fire protection facilities, the logging or sawmill operator, upon written notice from the forester, shall provide in the operation one additional water pressure pump, together with attachable hose, nozzle and water supply as specified in subsection (2) of ORS 477.184.

(2) During the closed season, when any operation area is of a size and fire hazard as to require special fire protection, the operator, upon written notice from the forester, shall provide:

(a) A person who is physically fit and competent to operate all fire protection equipment as required by this section and ORS 477.186 in the operation area, and physically able to patrol such area during periods of fire danger; the person shall be appointed a fire warden under authority of ORS 477.010.

(b) Maintenance of logging roads owned, controlled or used by him in the operation area as designated by the forester in the notice.

[1953 c.68 §19 (4), (5); 1955 c.158 §4]

477.188 Clearing or moistening ground; watchman service; waiver of requirements. (1) During the closed season no person shall operate any stationary equipment in or within 150 feet of any forest land unless the ground for a distance of 50 feet around such equipment is cleared of all inflammable debris, or is kept sufficiently moist to prevent the starting of fires. As used in this subsection, "stationary equipment" means any power-driven logging equipment operated at any one landing for a period of more than two days.

(2) During the closed season every operator using power-driven equipment in an operation area shall provide watchmen service on the operation area. The watchman service shall consist of not less than one competent man for each logging side or mill, who shall be constantly on duty until 8 p. m. every day the equipment is operated or until three hours after the equipment has been shut down for the day, whichever is later.

(3) The State Forester may modify or waive, in writing, any requirement of this section whenever the operation is not of sufficient duration or fire hazard to justify the requirement.

[Amended by 1953 c.68 §19; 1955 c.158 §5]

477.190 to 477.210 [Reserved for expansion]

PLANT, MACHINERY AND EQUIPMENT REGULATIONS GENERALLY; SNAGS

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

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

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

[Amended by 1953 c.68 §19]

477.214 [Repealed by 1953 c.68 §19]

477.215 Requirements concerning the installation or operation of a mill or plant. (1) Anyone operating a mill or plant from which refuse is burned in or within one-eighth of one mile of forest land shall provide and maintain a closed refuse burner of a type and size which, in the judgment of the forester is adequate to prevent the

spread of fire, unless the forester specifies other measures in lieu thereof as equally adequate to prevent the spread of fire. The ground around the mill or plant, including the required refuse burner, shall be cleared for a distance of not less than 200 feet unless in the judgment of the forester a lesser distance shall be specified.

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

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

477.216 [Amended by 1953 c.68 §19; repealed by 1957 c.32 §4 (ORS 277.217 enacted in lieu of ORS 277.216)]

477.217 Felling dead trees and snags. (1) In an operation on forest land using power-driven equipment at any location for a period of more than two days to load and assemble forest products, the operator shall fell all dead trees and snags which are over 15 feet in height and within 200 feet of such equipment.

(2) On forest land west of the summit of the Cascade Mountains, including Hood River County but excluding Klamath County, the operator shall fell all dead trees and snags over 15 feet in height and 12 inches in diameter within the operation area currently with the felling of the merchantable timber; provided, however, where timber has been killed by fire, insects, disease or wind-throw on such land prior to logging, the forester shall require the operator to fell such dead trees and snags within the logging area, or to fell an equivalent amount of dead trees and snags on forest land in his possession adjacent to the active operation area, which felling, in the judgment of the forester, is necessary to provide the forest land with protection from fire. The forester shall determine those areas of forest land in active operation areas where the timber has been killed by fire, insects, disease or wind-throw.
[1957 c.32 §5 (enacted in lieu of ORS 477.216); 1959 c.363 §10]

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

477.220 to 477.240 [Reserved for expansion]

SLASHING; RIGHTS OF WAY

477.242 Slashing; annual burning required. (1) As used in this section and ORS 477.244, "slashing" means the forest debris or refuse on any forest land resulting from the cutting, killing, pruning, severing or removal of brush, trees or other forest growth.

(2) Any person who conducts or permits an operation on any lands in this state, thereby creating a fire hazard, shall, unless relieved by the forester as provided in ORS 477.244, each year remove such hazard by burning the annual slashing at such time and in such manner, and with such provisions of help, as shall afford all necessary precautions against the spread of fire to other property.
[Amended by 1959 c.363 §11]

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

(2) However, upon the finding of the forester that such burning will create additional fire hazard, or will do excessive damage to reproduction or residual stands, or will retard restocking, or where by reason of these or other similar causes the operator

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

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

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

(5) Any owner of forest land which has slashing and fire hazard thereon as described in ORS 477.242 and this section, may, upon written request to the forester, assume all obligations for the disposal or reduction of the slashing and hazard; provided, however, the forester determines that the owner can comply with such obligations; thereafter, the forester shall immediately issue any other person involved a written release of such obligations.

(6) Any order made by the forester pursuant to the duties imposed upon him by ORS 477.242 and 477.244 shall be final unless modified or vacated in an appeal taken within 30 days after the issuance of such order. [Amended by 1953 c.68 §19; 1961 c.123 §2; 1961 c.603 §13]

477.246 Clearing rights of way; permit; placing clearing debris on another's land. (1) Everyone shall, before clearing any right of way for any highway or railroad, or any power, commercial telegraph or telephone line, or for any transmission or transportation utility right of way on any forest land, whether upon his land or that of another, where the clearing would constitute a fire hazard, file with the forester a general description of the right of way to be cleared. The forester shall issue a written permit for such clearing. The permit shall set forth the precautionary conditions and manner under which the clearing shall be done. The above requirements shall not apply to railroad spurs not exceeding one-half mile in length nor to temporary minor wagon roads to be used for transporting forest material.

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

477.248 Clearing rights of way on forest land by state, counties or cities. No contract for the construction of any trail, highway or railroad, or power, light, telegraph or telephone line, or for any transmission or transportation utility, shall be let by the state, or any county or city, or any boards, bodies or officers thereof, unless the contract contains specific provisions for clearing the right of way therefor in conformity with ORS 477.246 and the permit issued by the State Forester therefor. No such work performed for the state, county or city body, or the officers thereof, shall be accepted by it until the provisions of this section and of the permit have been complied with. ORS 477.246 applies when any state, county or city body, or officers clear any right of way by force account. Upon failure of any state, county or city body or officers to clear any right of way in conformity with the provisions of ORS 477.246, the forester shall, upon complaint of any interested party, or upon his own motion, investigate the condition existing, and if the provisions of that section have not been complied with, he shall notify the state, county or city body, or officers responsible and set a reasonable time within which the provisions of that section shall be complied with. Upon failure to comply with these provisions within the time specified, the forester may have the right of way cleared in conformity with

the requirements of ORS 477.246. The expense of the work, together with the expense of any patrol rendered necessary, shall be paid by the forester and certified by him to the county or city in or by which the work was performed and shall be paid by such county or city, as the case may be. If the work is being carried on by the state, the certificates shall be transmitted to the proper state body or officer and shall be paid as an expense of such office. In case of private enterprises the expense of removal and any necessary fire patrol shall be collectible as debts are collected, by action in the name of the state.

477.250 to 477.270 [Reserved for expansion]

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

477.272 [Repealed by 1953 c.152 §10]

477.274 [Repealed by 1953 c.152 §10]

477.276 [Repealed by 1953 c.152 §10]

477.278 [Repealed by 1953 c.152 §10]

477.280 [Repealed by 1953 c.152 §10]

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

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

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

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

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

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

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

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

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

477.288 Authority to issue, refuse, suspend or revoke permit. The forester is authorized to issue the permits required in ORS 477.286 and to suspend or revoke such permits because of violation of the terms thereof or noncompliance with the forest laws of the State of Oregon. He shall refuse to issue a permit to any person for the conduct of an operation when, in his judgment, an excessive amount of forest debris in and

around the operation makes the operation extremely susceptible to fire damage to adjoining property.
[1953 c.152 §5]

477.290 Use and refueling of portable power saws. Any person using, operating or fueling a portable power saw on or within one-eighth of a mile of forest land, which saw is powered by an internal combustion engine, shall comply with the rules and regulations of the forester relating thereto and deemed necessary by him for the prevention and suppression of fire.
[1961 c.603 §14]

477.300 [Reserved for expansion]

MISCELLANEOUS PROVISIONS

477.302 Appropriations by counties for forest protection. County boards of commissioners may appropriate money for forest protection under the provisions of ORS 476.715, 477.004, 477.006, 477.010, 477.012, 477.014, 477.062 to 477.068, 477.070, 477.071, 477.152, 477.154, 477.165, 477.182, 477.184, 477.187, 477.188, 477.212 to 477.218, 477.242 to 477.248, 526.010 and 526.020. Expenses incurred by any county board of commissioners in accordance therewith shall be a proper county charge.

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

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

477.308 Private informer to receive one-half of fine; disposition of fines. Any person not employed and compensated as a warden who detects anyone violating any of the provisions of ORS 164.050 to 164.070, 166.330, 476.715, 477.014, 477.152, 477.165, 477.182, 477.184 to 477.188, 477.212 to 477.217, 477.218, 477.242 to 477.246, 477.304, 477.306, 477.312 and 761.420 and furnishes information leading to the arrest and conviction of such person, shall, upon his conviction, receive one-half of the fine paid by the person so convicted. Otherwise all fines imposed under these sections and the sections providing a penalty for their violation, less the cost of collection, shall go into the general fund of the county in which conviction is had.

477.310 Civil liability in damages for violations of forest protection law. In addition to the penalties provided in ORS 164.050 to 164.070, 166.330, subsection (4) of ORS 476.990 for violation of ORS 476.715, subsections (1) to (5) of ORS 477.993 and subsection (4) of ORS 761.990, the United States, state, county or private owners whose property is injured or destroyed by fires in violation of ORS 164.050 to 164.070, 166.330, 476.715, 477.004, 477.006, 477.010, 477.012, 477.014, 477.062 to 477.068, 477.070, 477.071, 477.152, 477.154, 477.165, 477.182, 477.184, 477.187, 477.188, 477.212 to 477.218, 477.242 to 477.248, 477.304, 477.306, 477.312, 526.010, 526.020 or 761.420 may recover in a civil action double the amount of damages suffered if the fires occurred through wilfulness, malice or negligence. Persons causing fires by violation of any of the provisions of the sections enumerated in this section shall be liable in action for debt to the full amount of all expenses incurred in fighting such fires.
[Amended by 1959 c.363 §12]

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

(2) The penalties of subsection (3) of ORS 477.993 shall apply to any magistrate, with proper authority, who refuses or neglects to issue a warrant for the arrest of any person when complaint under oath of

violation of any provisions of the afore-mentioned sections has been lodged with him.
[Amended by 1959 c.363 §13]

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

477.316 to 477.800 [Reserved for expansion]

TAXES ON EAST SIDE FOREST AND GRAZING LANDS FOR EQUALIZATION OF EMERGENCY FIRE SUPPRESSION COSTS

(Harvest Tax: Class D Lands)

477.810 Definitions for ORS 477.810 to 477.850 and 477.950 to 477.970. As used in ORS 477.810 to 477.850 and 477.950 to 477.970, unless the context requires otherwise:

(1) "Board," "commission," "committee," "fire protection district," "forest land," "forest production," "harvesting," "merchantable stand of timber," "sale," and "taxpayer" means such as are defined by ORS 321.005.

(2) "Class C forest lands," and "fiscal year" mean such as are defined by ORS 477.910.

(3) "Forester" means the State Forester.
[1961 c.689 §2]

Note: Definitions for ORS 477.950, 477.960 and 477.970 also appear in 477.910.

477.820 Class D forest lands defined. "Class D forest lands" means those Class C forest lands and federal forest lands which are protected from the starting or spread of fire thereon or therefrom by:

(1) The forester, with the approval of the board;

(2) The United States of America through contract with the forester or board;

(3) Any forest protective agency under contract with the forester or board pursuant to ORS 477.028; or

(4) Any forest protective agency, described in subsection (3) of this section, under an agreement with the United States of America wherein such agency agrees to protect specific federal forest lands, and in return, the United States of America agrees to protect specific lands of such agency.
[1961 c.689 §3]

477.830 Harvest tax; rate; collection provisions. (1) There hereby is levied a privilege tax upon taxpayers on the harvesting of all merchantable forest products harvested on Class D forest lands for the fiscal year beginning July 1, 1961, and for each fiscal year thereafter, in the amount provided in subsection (2) of this section.

(2) For the fiscal year beginning July 1, 1961, and each fiscal year thereafter, the rate of tax levied by subsection (1) of this section is two cents per thousand feet, board measure, on all merchantable forest products harvested on Class D forest lands.

(3) The tax shall be measured by and be applicable to each per thousand feet, board measure, and such shall be subject to and determined by the procedures and provisions of subsections (3) and (4) of ORS 321.015.

(4) The tax levied by subsection (1) of this section shall be due and payable to the commission in like manner and procedure, including penalties and interest, as set forth for the collection of the privilege tax in ORS 321.005 to 321.225.
[1961 c.689 §§4, 5(3)]

477.840 Suspending tax levy when certain conditions exist. (1) There hereby is incorporated into ORS 477.810 to 477.850 and 477.950 to 477.970, the "reserve base" and the procedure for determining such and the recognized insurance principle, as set forth in subsections (1) and (2) of ORS 477.950.

(2) The procedures for determining whether the levy made by subsection (1) of ORS 477.830 shall be inoperative for any fiscal year shall be such as set forth in subsection (3) of ORS 477.950.
[1961 c.689 §5(1), (2)]

477.850 Disposition of revenues. (1) The revenue from the tax levied by subsection (1) of ORS 477.830 shall be remitted to the State Treasurer who shall deposit it in a suspense account established under the provisions of ORS 291.508. After payment of refunds pursuant to subsection (2) of this section, the

balance remaining shall be deposited in the East Side Emergency Fire Cost Fund designated in ORS 477.970.

(2) Notwithstanding the provisions of ORS 291.238, the amount of moneys necessary to pay refunds of the tax levied under subsection (1) of ORS 477.830 hereby is appropriated continuously to the commission from the suspense account referred to in subsection (1) of this section, and shall be used by the commission for the payment of all refunds of the tax levied under subsection (1) of ORS 477.830 which have been audited and approved by the commission. Any penalties, interest and taxes then due from the taxpayer shall be applied in that order in computing any refund; and only the balance due the taxpayer, if any, shall be refunded. The commission shall on its records charge each refund against the revenue from the tax; and the balance of the revenue from such tax shall be credited to the East Side Emergency Fire Cost Fund.

[1961 c.689 §6]

477.860 to 477.900 [Reserved for expansion]

(Acreage Tax: Class C Lands)

477.910 Definitions for ORS 477.910 to 477.970. As used in ORS 477.910 to 477.970, unless the context requires otherwise:

(1) "Board" means the State Board of Forestry.

(2) "Class C forest lands" means those lands located in that part of the State of Oregon lying easterly of a line beginning at the intersection of the north boundary of the State of Oregon and the western boundary of Wasco County; thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the south boundary of the State of Oregon, which lands are classified under the provisions of ORS 526.330 or 526.340.

(3) "Fire protection district" means that district designated by the forester pursuant to ORS 477.004.

(4) "Fiscal year" means that period of time beginning July 1 of any year and continuing through June 30 of the following year.

(5) "Forester" means the State Forester.

(6) "Taxpayer" means the owner of Class C forest lands, which owner has the use of or allows the use of the lands.

(7) "Commission" means the State Tax Commission.

[1959 c.320 §1]

Note: Definitions for ORS 477.950, 477.960 and 477.970 also appear in 477.810.

477.920 Declaration of policy. It is hereby declared to be the public policy of the State of Oregon that the use of Class C forest lands, including but not limited to the harvesting of forest products and the conducting of grazing on such lands, involves conditions and activities making such lands more susceptible to fire; therefore, it is necessary to provide additional funds for the equalization of emergency fire suppression costs for the protection of such lands from fire.

[1959 c.320 §7]

477.930 Levy of privilege tax on the use of Class C forest lands. There hereby is levied a tax upon the owners of Class C forest lands for the privilege of using such lands or allowing others the use of such lands. The tax shall be levied first for the fiscal year beginning July 1, 1959, and for each fiscal year thereafter, in the amount provided in ORS 477.940 and 477.950.

[1959 c.320 §2]

477.940 Rate of tax. Except as otherwise provided in ORS 477.950, for the fiscal year beginning July 1, 1959, and each fiscal year thereafter, the rate of tax levied by ORS 477.930 shall be one cent per acre of ownership of Class C forest lands.

[1959 c.320 §3]

477.950 Suspending tax levy when certain conditions exist. (1) As used in this section, "reserve base" means the unexpended balance of the moneys to the credit of the East Side Emergency Fire Cost Fund as established by ORS 477.970, as of February 16, less the total of:

(a) The unexpended balance as of February 16 of the amount budgeted to be expended from the fund for the fiscal year in which the determination is made; and

(b) The amount budgeted to be expended from the fund for the following fiscal year.

(2) The insurance principle is recognized in providing funds for emergency forest fire control on Class C and Class D forest lands. The reserve base for the East Side Emergency Fire Cost Fund is $250,000.

(3) On or about the last day of February of each year the committee shall meet and determine if the moneys in the East Side Emergency Fire Cost Fund as of February 16 exceed its reserve base. Notwithstanding the provisions of ORS 477.830, 477.840 and 477.930, if the committee determines that

moneys in the fund do exceed its reserve base, the levies made by ORS 477.930 shall be inoperative for the following fiscal year. [1959 c.320 §4; 1961 c.689 §7]

477.960 Manner and procedures for collecting tax. In so far as applicable hereto, the taxes levied under ORS 477.930 shall be due and payable to the forester in like manner and procedure, including penalties and interest, as set forth for the collection of the fire protection costs provided in subsections (1) and (2) of ORS 477.033.
[1959 c.320 §5; 1961 c.689 §8]

477.970 Disposition of revenues. (1) The revenue from the taxes levied by ORS 477.930 shall be remitted to the State Treasurer who shall deposit it in a suspense account established under the provisions of ORS 291.508. After payment of refunds pursuant to subsection (2) of this section, the balance remaining shall be deposited in the East Side Emergency Fire Cost Fund.

(2) Notwithstanding the provisions of ORS 291.238, the amount of moneys necessary to pay refunds of the taxes levied under ORS 477.930 hereby is appropriated continuously to the forester from the suspense account referred to in subsection (1) of this section, and shall be used by the forester for the payment of all refunds of taxes levied under ORS 477.930 which have been audited and approved by the forester. Any penalties, interest and taxes then due from the taxpayer shall be applied in that order in computing any refund; and only the balance due the taxpayer, if any, shall be refunded. The forester shall on its records charge each refund against the revenue from the tax with respect to which the refund is made; and the balance of the revenue from each such tax shall be credited to the East Side Emergency Fire Cost Fund of the State Board of Forestry Account.

(3) Notwithstanding the provisions of ORS 291.238, the moneys credited to the East Side Emergency Fire Cost Fund hereby are appropriated continuously for and shall be used by the forester, under the supervision and direction of the board, for the purpose of equalizing emergency fire suppression costs in fire protection districts containing Class C forest lands in order to safeguard the interests of the owners of such lands.
[1959 c.320 §6; 1961 c.689 §9]

477.980 [Reserved for expansion]

PENALTIES

477.990 [Amended by 1953 c.68 §19; subsection (5) of 1957 Replacement Part enacted as 1953 c.68 §17; subsections (11) and (12) of 1957 Replacement Part enacted as 1953 c.152 §§6, 7; repealed by 1959 c.363 §14 (subsections (1) to (5) of ORS 477.993 enacted in lieu of ORS 477.990)]

477.992 [Repealed by 1959 c.363 §21]

477.993 Penalties. (1) Violation of any of the provisions of ORS 477.014, 477.152, 477.165, subsection (4) of ORS 477.182, 477.184 to 477.188, 477.212, 477.215, 477.242 and 477.244, 477.246 and 477.282 to 477.288, is punishable, upon conviction, by a fine of not less than $25 nor more than $250, or by imprisonment in the county jail for not less than 10 days nor more than 60 days, or both.

(2) Violation of any of the provisions of ORS 477.156 to 477.162, 477.304 and 477.306, is punishable, upon conviction, by a fine of not less than $10 nor more than $100, or by imprisonment in the county jail for not less than two nor more than 60 days, or both.

(3) Violation of ORS 477.217 or 477.312, is punishable, upon conviction, by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not less than 10 nor more than 60 days, or both.

(4) In addition to other penalties prescribed by this section, violation of ORS 477.282 to 477.288 by failure to obtain a permit, or carrying on activity during a period when the permit is suspended or revoked, is punishable, upon conviction, by a fine of not less than $50 nor more than $500; failure from day to day to comply with ORS 477.282 to 477.288 subjects the violator to the fine for each such day.

(5) Justice courts, district courts and circuit courts have concurrent jurisdiction of violations under subsections (1) to (4) of this section.

(6) Violation of subsection (3) of ORS 477.020 is punishable, upon conviction, by a fine of not more than $250, or by imprisonment in the county jail for not more than 60 days.

(7) Violation of any provision of ORS 477.910 to 477.970 is punishable, upon conviction, by a fine not exceeding $1,000 or by imprisonment in the county jail for not exceeding one year, or by both.

(8) Violation of any provisions of ORS 477.810 to 477.850 is punishable, upon conviction, by a fine not exceeding $1,000 or by imprisonment in the county jail for not exceeding one year, or by both.

(9) Violation of any rule, regulation or order issued or given by the forester under authority of this chapter is punishable, upon conviction, as a misdemeanor.

[Subsections (1) to (5) enacted as 1959 c.363 §15 (in lieu of ORS 477.990); subsection (6) enacted as 1959 c.408 §6; subsection (7) enacted as 1959 c.320 §8; subsection (8) enacted as 1961 c.689 §11; subsection (9) enacted as 1961 c.603 §15]

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 1, 1961.

Sam R. Haley
Legislative Counsel