

Chapter 607

1963 REPLACEMENT PART

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DEFINITIONS

607.005 Definitions. As used in this chapter:

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

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

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

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

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

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

(7) "Open range" means an area wherein livestock may lawfully be permitted to run at large.

[Amended by 1957 c.604 §2; part derived from 1957 c.604 §§17, 28]

LIVESTOCK DISTRICTS

607.008 Incorporated cities are livestock districts. All incorporated cities are livestock districts.

[1957 c.604 §3]

607.010 Petition for creation of district.

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

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

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

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

[Amended by 1957 c.604 §4]

607.012 Boundaries of proposed district.

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

[1957 c.604 §5]

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

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

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

of the proposed livestock district should be changed, the county court or board of county commissioners may make the necessary changes.

[1957 c.604 §§6, 7]

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

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

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

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

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

[Amended by 1957 c.604 §9]

607.025 Cash deposit by petitioners. When, at the request of the petitioners, the

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

[Amended by 1957 c.604 §10]

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

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

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

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

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

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

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

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

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

(2) The county clerk shall file a copy of the notice, copies of all other published notices, the petitions and all other data or documents relating to the district in the county records in a book, record or file identified as "Livestock Districts." No other type of data or documents shall be filed therein. The county clerk shall also mail one certified copy of the final published notice, as provided in this section, by certified or registered mail to the department. Creation, withdrawal from or dissolution of a district

shall not be effective until and unless the department has been so notified.

[Amended by 1957 c.604 §12]

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

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

[1957 c.604 §13]

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

[1957 c.604 §14]

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

[1957 c.604 §15]

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

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

(3) Justice, district and circuit courts have concurrent jurisdiction of actions for the prosecution of violations of this section.

[Amended by 1957 c.604 §16]

607.050 [Repealed by 1957 c.604 §41]

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

[1957 c.604 §37]

607.055 to 607.100 [Reserved for expansion]

607.105 [Repealed by 1957 c.604 §41]

607.110 [Repealed by 1957 c.604 §41]

607.115 [Repealed by 1957 c.604 §41]

607.120 [Repealed by 1957 c.604 §41]

607.125 [Repealed by 1957 c.604 §41]

607.130 [Repealed by 1957 c.604 §41]

607.135 [Repealed by 1957 c.604 §41]

607.140 [Repealed by 1957 c.604 §41]

607.145 to 607.200 [Reserved for expansion]

607.205 [Repealed by 1957 c.604 §41]

607.210 [Repealed by 1957 c.604 §41]

607.215 [Repealed by 1957 c.604 §41]

607.220 [Repealed by 1957 c.604 §41]

607.225 [Repealed by 1957 c.604 §41]

607.230 [Repealed by 1957 c.604 §41]

607.235 [Repealed by 1957 c.604 §41]

607.240 [Repealed by 1957 c.604 §41]

607.245 [Repealed by 1957 c.604 §41]

607.250 [Repealed by 1957 c.604 §41]

607.255 [Repealed by 1957 c.604 §41]

607.260 [Repealed by 1957 c.604 §41]

MALE STOCK RUNNING AT LARGE ON OPEN RANGE

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

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

the period July 1 to October 31 of each year. [1957 c.604 §18]

607.265 to 607.300 [Reserved for expansion]

TAKING UP AND SELLING ANIMALS; ESTRAYS; INTERFERING WITH ANIMALS

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

[1953 c.367 §1; 1957 c.604 §19]

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

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

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

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

(c) Designate the time and place of sale, as approved by the department. The sale shall be held not less than 30 days nor more than 45 days from the date of the taking up.

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

[1957 c.604 §24]

607.304 Delivery of livestock to department or owner; payment of costs to person taking up livestock. (1) If the owner of the livestock does not appear in response to the notice given under subsection (2) of ORS

607.303, the livestock shall be delivered to the department at least 48 hours in advance of the date of sale and shall be sold by the department as an estray. If the department is satisfied that adequate notice has been given to the owner, the department need not publish notice as required by subsection (2) of ORS 607.326.

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

- (a) The cost of taking up the livestock;
- (b) The cost of giving notice;
- (c) The cost of keeping the livestock;

and

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

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

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

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

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

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

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

607.310 [Repealed by 1953 c.367 §13]

607.311 Taking up estray prohibited without giving notice. No person shall knowingly take up or retain possession, custody or control of an estray without giving the notice required by ORS 607.316.

[1953 c.367 §9]

607.315 [Repealed by 1953 c.367 §13]

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

[1953 c.367 §3]

607.320 [Repealed by 1953 c.367 §13]

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

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

607.325 [Repealed by 1953 c.367 §13]

607.326 Sale of estray if owner not found; notice of sale. (1) If the department does not determine who is the true owner of the estray, it shall, not sooner than 30 days nor more than 45 days after receiving the notice of taking, cause the estray to be sold at public sale.

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

607.330 [Repealed by 1953 c.367 §13]

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

607.332 Claim by owner prior to sale. If the owner of an estray appears and claims it prior to sale, he shall pay all costs mentioned in subsection (1) of ORS 607.337 and subsection (2) of ORS 607.304 which have

accrued theretofore. Upon such payment, the estray shall be returned to the custody of the owner. If the owner fails to pay the costs, the sale shall be carried out as in cases where the owner is unknown.

[1957 c.604 §21]

607.335 [Repealed by 1953 c.367 §13]

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

[1953 c.367 §8]

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

- (a) Cost of publication of notice.
- (b) Cost of the sale.
- (c) Cost of transportation of the estray to the point of sale.
- (d) Reasonable cost of feed and care prior to sale.
- (e) All other costs including the time and mileage of the employes of the department.

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

(3) Subject to the provisions of subsections (1) and (3) of ORS 607.338, any balance remaining from the proceeds of sale shall be transmitted to the department which shall deposit it in the Department of Agriculture Account in the General Fund. Proceeds so deposited shall be held in such account for a period of three years subject to claim by the owner. During such period, the proceeds shall not be subject to the application of the provisions of ORS 293.145 to 293.160.

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

[1957 c.604 §§22, 23]

607.338 Use of proceeds where private person has taken up livestock. (1) If the de-

partment sells livestock delivered to it under subsection (1) or (4) of ORS 607.304, it shall from the proceeds of the sale first reimburse itself for the costs mentioned in subsection (1) of ORS 607.337, and from the balance, if any, pay to the person taking up the livestock the costs mentioned in subsection (2) of ORS 607.304.

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

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

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

[1957 c.604 §27]

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

[1953 c.367 §7]

607.340 [Repealed by 1953 c.367 §13]

607.341 Jurisdiction of courts. Justice courts and district courts shall have concurrent jurisdiction with circuit courts of proceedings brought on violations of ORS 607.301 to 607.341.

[1953 c.367 §11]

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

[Formerly 607.305]

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

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

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

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

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

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

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

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

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

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

607.365 Driving domestic animals from range. (1) No person, who is not the owner of such animal, shall take or drive, cause

to be taken or driven, or assist in driving or taking away any horse, gelding, mare, foal, mule, ass, jenny, bull, cow, heifer, steer, calf, sheep, hog or any other domestic animal from the range or place where it is lawfully grazing, pasturing or ranging, or in the habit of ranging, or where it has been herded or placed by the owner thereof, for a distance of more than 10 miles from such place.

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

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

[Formerly 606.210]

607.370 to 607.400 [Reserved for expansion]

607.405 [Repealed by 1957 c.604 §41]

607.410 [Repealed by 1957 c.604 §41]

607.415 [Repealed by 1957 c.604 §41]

607.420 [Repealed by 1957 c.604 §41]

607.425 [Repealed by 1957 c.604 §41]

607.430 [Repealed by 1957 c.604 §41]

607.435 [Repealed by 1957 c.604 §41]

607.440 [Repealed by 1957 c.604 §41]

607.445 [Repealed by 1957 c.604 §41]

607.450 to 607.500 [Reserved for expansion]

REGULATION OF STOCK ON CERTAIN HIGHWAYS

607.505 Stock running at large and grazing on Klamath Falls-Malin Highway.

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

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

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

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

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

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

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

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

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

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

607.525 [Repealed by 1957 c.604 §41]

607.527 Stock herded or grazed on interstate and defense highways. (1) Notwithstanding ORS 166.610, 366.460, 366.465, 374.270 and subsection (2) of ORS 607.045 and notwithstanding the existence of an open range area, except as provided by subsection (2) of this section, no person, except in case of emergency, shall drive, herd, pasture, graze, range, tether or stake any livestock, as defined by ORS 607.005, within the boundaries of the right of way for a state highway that is part of the national system of interstate and defense highways, to wit: Inter-

state 5, Interstate 80 N, or Interstate 82. This section is not intended to prohibit the hauling of livestock, in vehicles, on a highway or the use of structures or undercrossings, constructed and approved as provided by law, as stock ways, nor to abrogate a duty provided under ORS 607.301 to 607.341.

(2) Upon application by an owner or person in charge of livestock, the State Highway Engineer or his duly authorized local representative may issue written permits, on such terms as he finds proper, authorizing the owner or person in charge of livestock to herd or drive the livestock on a single trip across or within the boundaries of a right of way for a highway as described in subsection (1) of this section.

[1963 c.350 §1]

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

607.535 [Repealed by 1957 c.604 §41]

607.540 [Repealed by 1957 c.604 §41]

607.545 [Repealed by 1957 c.604 §41]

607.550 [Repealed by 1957 c.604 §41]

607.555 [Repealed by 1957 c.604 §41]

607.560 [Repealed by 1957 c.604 §41]

607.565 [Repealed by 1957 c.604 §41]

607.570 [Repealed by 1957 c.604 §41]

607.575 [Repealed by 1957 c.604 §41]

607.580 to 607.600 [Reserved for expansion]

607.605 [Repealed by 1957 c.604 §41]

607.610 [Repealed by 1957 c.604 §41]

607.615 [Repealed by 1957 c.604 §41]

607.620 [Repealed by 1957 c.604 §41]

607.625 [Repealed by 1957 c.604 §41]

607.630 [Repealed by 1957 c.604 §41]

607.635 [Repealed by 1957 c.604 §41]

607.640 [Repealed by 1957 c.604 §41]

607.645 [Repealed by 1957 c.604 §41]

607.650 [Repealed by 1957 c.604 §41]

607.655 [Repealed by 1957 c.604 §41]

607.660 to 607.985 [Reserved for expansion]

PENALTIES

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

(2) Violation of ORS 607.261 or subsection (2) or (3) of ORS 607.303 is punishable, upon conviction, by a fine of not more

than \$500 or by imprisonment in the county jail for not more than six months.

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

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

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

(6) Violation of ORS 607.510 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$50 or by imprison-

ment in the county jail for not less than 30 nor exceeding 90 days, or both.

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

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

(9) Violation of ORS 607.525 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$100 for each offense.

(10) Violation of ORS 607.527 is a misdemeanor.

[Amended by 1953 c.367 §13; subsection (2) enacted as 1957 c.604 §39; subsection (3) enacted as 1953 c.367 §10; subsection (5) formerly 606.990; subsection (9) enacted as 1953 c.264 §1; 1957 c.604 §40; subsection (10) enacted as 1963 c.350 §2]

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, 1963.

Sam R. Haley
Legislative Counsel

