Chapter 477

1985 REPLACEMENT PART

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GENERAL PROVISIONS

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

(1) "Additional fire hazard" means a hazard that has been determined to exist by the forester pursuant to ORS 477 580 and that results from any industrial activity, development or improvement on forest land and because of its quantity or arrangement poses a threat to life, property or adjacent lands if a fire exists thereon

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

(3) "Closed season" means a period designated pursuant to ORS 477 505

(4) "Department" means the State Forestry Department

(5) "District" means a forest protection district organized under ORS 477 225

(6) "Every reasonable effort" means the use of the reasonably available personnel and equipment under the supervision and control of an owner or operator usually and customarily used in the forest industry to fight fire, which are needed to fight the fire and which can be brought to bear on the fire in a timely fashion

(7) "Fiscal year" means the period beginning on July 1 of any year and ending on June 30 of the next year

(8) "Forest land" means any forested land, woodland, brushland, timberland, cutover land or clearing, which, during any time of the year, contains enough flammable forest growth, forest refuse, slashing or forest debris to constitute a fire hazard

(9) "Forest patrol assessment" means the costs levied and assessed under ORS 477 270

(10) "Forest protective association" or "association" means an association, group or agency composed of owners of forest lands, organized for the purpose of protecting such forest lands from fire

(11) "Forester" means the State Forester or authorized representative

(12) "Governing body" of a county means the county court or board of county commissioners

(13) "Grazing land" is defined by ORS 477 205

(14) "Operation" means any industrial activity or any development or improvement 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, thinnings or prunings, excluding, however, the culture and harvesting of agricultural crops

(15) "Operation in progress" means that time when workers are on the site for the purpose of an operation, including the period of time watchmen are required to be on the area pursuant to ORS 477 665, or workers are engaged in hazard control or abatement work

(16) "Operator" means any person who, either personally or through employes, agents, representatives or contractors, is carrying on or has carried on any operation

(17) "Owner" means an owner, easement holder or person in control or possession of land For this purpose an "easement holder" is any person owning, holding or using an easement, right of way, permit, license or other similar interest to cross or use forest land

(18) "Political subdivision" includes, but is not limited to, counties, cities and districts

(19) "Rangeland" is defined by ORS 477 315

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

(21) "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

(22) "Summit of the Cascade Mountains" is considered to be a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along the western boundaries of Wasco, Jefferson, Deschutes and Klamath Counties to the southern boundary of the State of Oregon

(23) "Timberland" is defined by ORS 477 205

(24) "Warden" means a fire warden appointed under ORS 477 355 [1959 c 363 §2 (enacted in lieu of 477 002), 1961 c 603 §1, 1965 c 253 §44, 1967 c 429 §34, 1973 c 46 §1, 1983 c 22 §1, 1985 c 759 §32]

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 (477 001 enacted in lieu of 477 002)]

477 003 [1959 c 363 §20, repealed by 1961 c 351 §1]

477 004 [Repealed by 1965 c 253 §153]

477.005 Policy. (1) The preservation of the forests and the conservation of the forest resources through the prevention and suppres-

sion 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 forest 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, amended by 1965 c 253 §45]

477 006 [Repealed by 1965 c 253 §153]

477 008 [Amended by 1965 c 253 §87, renumbered 477 360]

477 010 [Repealed by 1965 c 253 §153]

477 012 [Amended by 1965 c 253 §88, renumbered 477 365]

477.014 [Amended by 1965 c 253 §89, renumbered 477 370]

477 016 [1963 c 107 §8, amended by 1965 c 253 §72, renumbered 477 300]

477 020 [1959 c 408 §§1, 2, 3, 4, 5, repealed by 1965 c 253 §153]

477 022 [1953 c 372 §1, 1961 c 603 §2, renumbered 477 005]

477 024 [1953 c 372 §3, 1955 c 318 §1, 1965 c 253 §57, renumbered 477 210]

477 026 [1953 c 372 §4, 1965 c 253 §59, renumbered 477 225]

477 028 [1953 c 372 §5, 1957 c 83 §6, 1959 c 363 §3, 1963 c 107 §1, repealed by 1965 c 253 §153]

477 030 [1953 c 372 §6, 1959 c 363 §4, 1965 c 253 §60, 1965 c 312 §1, renumbered 477 230]

477 032 [Renumbered 477 062]

477 033 [1953 c 372 §7, 1955 c 318 §2, 1957 c 83 §7, 1961 c 603 §3, 1963 c 107 §2, 1965 c 253 §69, 1965 c 312 §2, 1965 c 428 §10, renumbered 477 270]

477 034 [Amended by 1953 c 661 §2, renumbered 477 064]

477 035 [1953 c 372 §8, 1965 c 253 §70, 1965 c 312 §3, renumbered 477 285]

477 036 [Amended by 1953 c 661 §2, renumbered 477 066]

477 037 [1953 c 372 §9, 1959 c 363 §5, 1961 c 603 §5, repealed by 1965 c 253 §153]

477 038 [Amended by 1953 c 661 §2, renumbered 477 068]

477 039 [1953 c 372 §10, 1963 c 107 §3, 1965 c 253 §71, renumbered 477 291]

477 040 [Amended by 1953 c 661 §2, renumbered 477 070]

477 041 [1953 c 372 §11, 1965 c 253 §61, renumbered 477 235]

477 042 [Amended by 1953 c 661 §2, renumbered 477 071 and then 477 067]

477 043 [1953 c 372 §§12, 16, 1957 c 32 §1, 1965 c 253 §64, renumbered 477 245]

477 044 [Repealed by 1953 c 372 §22]

477 045 [1953 c 372 §13, 1965 c 253 §65, renumbered 477 250]

477 046 [Repealed by 1953 c 372 §22]

477 047 [1953 c 372 §14, 1965 c 253 §66, renumbered 477 255]

477 048 [Repealed by 1953 c 372 §22]

477 049 [1953 c 372 §15, 1965 c 253 §67, renumbered 477 260]

477 050 [Amended by 1953 c 37 §2, renumbered 477 073]

477 051 [1953 c 372 §17, 1965 c 253 §68, renumbered 477 265]

477 053 [1953 c 372 §18, 1955 c 318 §3, 1961 c 603 §6, 1965 c 253 §58, renumbered 477 220]

477 055 [1953 c 372 §19, repealed by 1965 c 253 §153 and 1965 c 428 §18]

477 056 [1965 c 253 §47 (enacted in lieu of 477 070), 1967 c 429 §57, renumbered 477 120]

477 058 [1965 c 253 §49 (enacted in lieu of 477 148), 1967 c 429 §58, renumbered 477 130]

HAZARD ABATEMENT

477.062 Inadequately protected forest land declared nuisance; notice to protect; work at expense of owner; collection of amount expended. (1) All forest land inadequately protected from 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 the forester shall direct the owner or operator of such forest land to take proper steps for its protection and advise the owner or operator of means to that end In case of refusal or neglect by either to take precautions against fire required by law or directed by the forester within 10 days after written notice has been given, then the forester or any warden, acting with consent of the forester, may have such work done as the forester or warden considers necessary for the protection of life or property, summarily, without the necessity of court action

(3) The cost of work under subsection (2) of this section and the expense of any patrol rendered necessary by the want of adequate protection of such forest land shall be recoverable from

the offender by an action prosecuted in the name of the state

(4) All moneys collected under this section shall be paid into the State Treasury, credited to the State Forestry Department Account and expended as other moneys in that account are expended [Formerly 477 032, 1965 c 253 §50]

FIRE ABATEMENT

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 of owner and operator to abate fire; abatement by authorities. (1) Each owner and operator of forest land on which a fire exists or from which it may have spread, notwithstanding the origin or subsequent spread thereof, shall immediately proceed to control and extinguish such fire when its existence comes to the knowledge of the owner or operator, without awaiting instructions from the forester, and shall continue until the fire is extinguished

(2) If the forester determines the fire is either burning uncontrolled or the owner or operator does not then have readily and immediately available personnel and equipment to control or extinguish the fire, the forester, or any forest protective association or agency under contract or agreement with the board 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, 1965 c 253 §51, 1967 c 429 §1, 1983 c 22 §2]

477.067 Notice of fire. For the purpose of ORS 477 066, notification to the owner or operator of the forest land, is considered sufficient notification to the owner of the existence of a fire [Formerly 477 042 and then 477 071]

477.068 Liability for cost of abatement; interest; lien; foreclosure; attorney fees. (1) In case an owner or operator fails to perform the duty required by ORS 477 066, or is wilful, malicious or negligent in the origin or subsequent spread of the fire, the actual cost incurred by the forester or a forest protective association or agency in controlling or extinguishing the fire shall be paid by the owner or operator within 90 days after the date on which the first written demand for payment of the actual cost is mailed by the State Forester to the owner or operator If the actual cost is not paid within such 90-day period, such amount shall bear interest at 10 percent per year from the date on which the first written demand for the payment of the actual costs was mailed by the State Forester and the actual cost together with such interest may be recovered from such owner or operator by an action prosecuted in the name of the State of Oregon, or such forest protective association or agency, or both

(2) An itemized statement of the actual cost incurred by the forester or association or agency, or both, certified to by the forester, shall be accepted as prima facie evidence of the actual cost in any proceeding authorized by this section

(3) The actual cost in cases covered by ORS 477 066 shall constitute a general lien upon the real and personal property of such owner or operator A written notice of the lien, containing a description of the property and a statement of the actual 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 the calendar year within which the fire originated, and may be foreclosed in the manner provided by law for foreclosure of liens for labor and material In any proceeding to foreclose a lien created under this subsection, recovery for the plaintiff shall include, in addition to the amount of the actual cost, interest on such amount at the rate of 10 percent per year from the date of the filing of the written notice of the 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 association or 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 under subsection (3) of this section

(5) In any action under subsection (1) of this section to recover actual cost and in any proceeding to foreclose any lien created by subsection (3) of this section, the court shall award, in addition to costs and disbursements, reasonable attorney fees at trial and on appeal to the prevailing party [Formerly 477 038, 1955 c 218 §1, 1959 c 363 §6, 1961 c 603 §8, 1965 c 253 §53, 1965 c 428 §§11, 12, 1973 c 66 §1, 1981 c 897 §54, 1983 c 22 §3, 1983 c 27 §1]

477.069 Negligence in origin and in failure to control fire may be united in one

complaint. Notwithstanding any other law, in any action authorized by ORS 477 068 to collect the costs incurred, the plaintiff may unite in the same complaint causes of action based upon any or all of the grounds therein mentioned [1957 c 157 §1, 1961 c 603 §9, 1965 c 253 §54]

477 070 [Formerly 477 040, 1955 c 218 §2, 1959 c 363 §7, 1961 c 603 §10, 1963 c 107 §4, repealed by 1965 c 253 §46 (477 056 enacted in lieu of 477 070)]

477 071 [Formerly 477 042, 1961 c 603 §11, 1965 c 253 §52, renumbered 477 067]

477 072 [Repealed by 1953 c 372 §22]

477 073 [Formerly 477 050, 1957 c 83 §8, repealed by 1965 c 253 §153]

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]

477.085 Liability for cost of protecting land in forest protection district. Any person who wilfully or negligently sets a fire or causes a fire to be set, which fire burns on land within the exterior boundaries of a forest protection district or within one-half mile of such boundaries, and for which efforts to control or extinguish the fire in order to protect forest land within the district from fire are exerted by the forester or any forest protective association or agency under contract or agreement with the board, is liable for the actual costs incurred by the forester, association or agency in such efforts The costs shall be recovered from the person liable therefor in the same manner as costs recovered under ORS 477 068 [1965 c 428 §7, 1967 c 429 §2]

477.090 Civil liability in damages. In addition to the penalties otherwise provided by law, the United States, state, political subdivision or private owners whose property is injured or destroyed by fires in violation of ORS 526 010, 526 041 or this chapter 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 statutes enumerated in this section are liable in an appropriate action for the full amount of all expenses incurred in fighting such fires [Formerly 477 310, 1971 c 743 §384]

477 101 [1959 c 363 §19, 1965 c 253 §135, repealed by 1965 c 428 §§8, 18]

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]

477.120 Liability of forest land owner or operator. (1) Except as provided in subsections (2) and (3) of this section, the owner or operator of forest land is not subject to the obligations or penalties of ORS 164 335 and 477 740 or 477 064, 477 066 and 477 068 if

(a) Forest patrol assessments are regularly paid for the forest land, or

(b) Such forest land is protected pursuant to membership in a forest protective association in accordance with ORS 477 210, which association has undertaken the control and suppression of fires on such land as provided in the contract, or

(c) Such forest land is protected pursuant to cooperative agreement or contract under ORS 477 406

(2) The provisions of subsection (1) of this section do not apply to such owner or operator if the owner or operator

(a) Is wilful, malicious or negligent in the origin or subsequent spread of a fire on such forest land,

(b) Has caused or permitted an operation to exist on such forest land and a fire originates thereon while the operation is in progress or as a result of the operation,

(c) Has failed to give notice to the forester pursuant to ORS 477 580 (1) or has failed within the time prescribed in any order or notice issued by the forester to reduce, abate, or offset any hazard determined to exist pursuant to ORS 477 062 or 477.580 and a fire originates on or spreads to the area on which such hazard exists and for which no release has been granted pursuant to ORS 477 580 (3) or (4), or

(d) Has caused or allowed any burning, including burning regulated by ORS 477 515, whether or not a permit has been obtained and a fire results from or is caused by such burning

(3) Unless paragraph (a) or (c) of subsection (2) of this section applies, the owner or operator shall not be obligated to pay that portion of the actual costs provided in ORS 477 068 which are the ordinary costs of the regular personnel and equipment of the forest protection district wherein the forest land is located

(4) If paragraph (b) or (d) of subsection (2) of this section applies and paragraphs (a) and (c) of subsection (2) of this section do not apply, the owner or operator shall not be liable to the forester for fire suppression costs in excess of $300,000

(5) The provisions of subsections (3) and (4) of this section do not apply to the owner or operator if the owner or operator fails to make every reasonable effort [Formerly 477 056, 1971 c 743 §385, 1973 c 46 §2, 1983 c 22 §4]

477.130 Liability of rangeland owner or operator. (1) The owner or operator of rangeland, as defined in ORS 477 315, is not subject to the obligation or penalties of ORS 164 335, 477 064, 477 066, 477 068 and 477 740, if the cost of protection for such rangeland has been regularly paid under ORS 477 325

(2) The provisions of subsection (1) of this section do not apply to such owner or operator if

(a) The owner or operator is wilful, malicious or negligent in the origin of a fire on such rangeland, or

(b) The owner or operator has caused or permitted an operation to exist on such rangeland and a fire originates thereon while the operation is in progress or as a result of the operation, or

(c) The owner or operator has failed to give notice to the forester pursuant to ORS 477 580 (1) or the owner or operator has failed within the time prescribed in any order or notice issued by the forester to reduce, abate, or offset any hazard determined to exist pursuant to ORS 477 062 or 477 580 and a fire originates on or spreads to the area on which such hazard exists and for which no release has been granted pursuant to ORS 477 580 (3) or (4) [Formerly 477 058, 1971 c 743 §386, 1973 c 46 §3]

477 132 [Repealed by 1953 c 375 §38]

477 133 [1953 c 375 §31, 1957 c 309 §10, 1965 c 253 §79, renumbered 477 420]

477 134 [Repealed by 1953 c 375 §38]

477 135 [1953 c 375 §32, 1957 c 309 §11, 1965 c 253 §80, renumbered 477 425]

477 136 [Repealed by 1953 c 375 §38]

477 142 [1963 c 454 §2, 1965 c 253 §73, renumbered 477 315]

477 144 [1963 c 454 §3, 1965 c 253 §74, renumbered 477 320]

477 146 [1963 c 454 §4, 1965 c 253 §75, renumbered 477 325]

477 148 [1963 c 454 §5, repealed by 1965 c 253 §48 (477 058 enacted in lieu of 477 148)]

477.152 [Amended by 1953 c 68 §19, 1955 c 450 §1, 1959 c 363 §8, 1961 c 603 §12, 1963 c 107 §5, repealed by 1965 c 253 §153]

477 154 [Amended by 1953 c 68 §19, 1963 c 107 §6, repealed by 1965 c 253 §153]

477 156 [Amended by 1953 c 68 §19, 1965 c 253 §99, renumbered 477 535]

477 158 [Amended by 1953 c 68 §19, 1957 c 32 §2, 1959 c 363 §9, 1965 c 253 §101, renumbered 477 545]

477 160 [Amended by 1953 c 68 §19, 1965 c 253 §100, renumbered 477 540]

477 162 [Amended by 1965 c 253 §102, renumbered 477 550]

477 164 [Amended by 1953 c 302 §2, renumbered 476 715]

477 165 [1953 c 68 §14, 1965 c 253 §94, renumbered 477 510]

477 182 [Amended by 1965 c 253 §111, renumbered 477 645]

477 184 [Amended by 1953 c 68 §19, 1955 c 158 §2, 1965 c 253 §112, renumbered 477 650]

477 186 [Amended by 1953 c 68 §19, 1955 c 158 §3, 1957 c 32 §3, 1965 c 253 §113, renumbered 477 655]

477 187 [1953 c 68 §8, 1955 c 158 §4, 1965 c 253 §114, renumbered 477 660]

477 188 [Amended by 1953 c 68 §19, 1955 c 158 §5, 1965 c 253 §115, 1965 c 428 §§13, 14, renumbered 477 665]

FOREST PROTECTION DISTRICTS

477.205 Definitions for ORS 477.205 to 477.291. As used in ORS 477 205 to 477 291, unless the context requires otherwise

(1) "Grazing land" means forest land, within a forest protection district, that has been classified as Class 3, agricultural class, as provided by ORS 526 305 to 526 370

(2) "Timberland" means forest land, within a forest protection district, that has not been classified as Class 3, agricultural class, under ORS 526 305 to 526 370 [1965 c 253 §56]

477.210 Duty of owner to protect forest land; forester's duty to provide protection upon noncompliance. (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) Subsection (1) of this section is considered to have been complied with if, on January 1 of each year, the owner (a) files with the forester a bona fide forest protection plan which meets with the approval of the board, or (b) is a member in good standing in a forest protective association maintaining a standard of protection approved by the board The forester shall make periodic inspections of the 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 forest protection pursuant to ORS 477 205 to 477 291

(4) The forester shall provide protection pursuant to ORS 477 205 to 477 291 for forest land owned by the state or by a political subdivision located within a forest protection district, unless adequate protection as required by this section is otherwise provided [Formerly 477 024]

477 212 [Amended by 1953 c 68 §19, 1965 c 253 §104, renumbered 477 615]

477 214 [Repealed by 1953 c 68 §19]

477.215 [1953 c 68 §16, 1965 c 253 §105, renumbered 477 620]

477 216 [Amended by 1953 c 68 §19, repealed by 1957 c 32 §4 (477 217 enacted in lieu of 477 216)]

477 217 [1957 c 32 §5 (enacted in lieu of 477 216), 1959 c 363 §10, 1965 c 253 §117, renumbered 477 565]

477.218 [Amended by 1953 c 68 §19, 1965 c 253 §103, renumbered 477 605]

477.220 Lands not provided protection; lands not included within ORS 477.205 to 477.291. (1) The forester is not required to provide protection for forest land that is either a small parcel or a tract isolated from a forest protection district and which land is found by the forester as not practicable to be included in a forest patrol system

(2) ORS 477 205 to 477 291 do not apply to federal grazing land or federal timberland within this state for which adequate protection is provided unless the lands have been included within the boundaries of a forest protection district pursuant to 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 protection district, the forester shall determine whether such lands, or any part thereof, are forest land, thereafter, those lands which have been so determined shall be included within ORS 477 205 to 477.291 unless excluded pursuant to subsection (1) of this section. [Formerly 477 053]

477.225 Establishment and change of forest protection districts. The forester shall designate areas of forest land within this state as forest protection districts within which the forester is required to provide protection pursuant to this chapter In establishing new boundaries or changes in boundaries of the districts, the forester may, for the purposes of administrative convenience, designate mountain ranges, rivers, streams, roads or other recognizable landmarks as boundaries. Boundaries may be established or changed only after a public hearing for the landowners concerned [Formerly 477 026]

477.230 Basis for computing cost of protection provided by forester; costs to be in accordance with budget; insurance. (1) The annual cost of protection provided by the forester for forest land within a forest protection district shall be as follows

(a) Grazing land within the district shall be protected by the forester at a pro rata cost per acre for all grazing land within the district boundary, provided, however, forest patrol assessments levied and assessed under ORS 477.270 against such lands shall not exceed one-half of the pro rata cost per acre, exclusive of any assessment per acre under ORS 477 880

(b) Timberland within the district shall be protected by the forester at a pro rata cost per acre for all timberland within the district boundary, provided, however, forest patrol assessments levied and assessed under ORS 477 270 against forest land located east of the summit of the Cascade Mountains, as defined in ORS 321 805, shall not exceed one-half of the pro rata cost per acre, exclusive of any assessment per acre under ORS 477 880

(2) The cost of protection described in this section shall be in accordance with a budget for the district approved by the board and may include an annual allocation from the combined district budgets of not more than $200,000 to the Oregon Forest Land Protection Fund for the purchase of insurance authorized by ORS 477 775 [Formerly 477 030, 1971 c 60 §1, 1973 c 184 §6, 1977 c 892 §48, 1983 c 16 §1, 1985 c 759 §32a]

477.235 Forester to prepare tentative budget estimates for districts. The forester shall prepare tentative budget estimates for each forest protection district for the ensuing fiscal year beginning July 1, in a manner consistent with accounting and budgetary procedures prescribed by the board [Formerly 477 041, 1967 c 429 §3]

477.240 Advisory and guidance committees. In any forest protection district wherein the forester has entered into a cooperative agreement or contract with a forest protective association or agency described in ORS 477 406 (1), and the association or agency has appointed an advisory and guidance committee for the purposes of analysis and review of the protection plans and budgets for the district, the forester shall prepare the protection plans and budgets in conjunction with the committee. [1965 c 253 §63]

477.242 [Amended by 1959 c 363 §11, 1965 c 253 §118, renumbered 477 570]

477.244 [Amended by 1953 c 68 §19, 1961 c 123 §2, 1961 c 603 §13, 1965 c 253 §119, 1965 c 428 §§15, 16, renumbered 477 575]

477.245 Owners entitled to be heard on budget matters; public budget meetings to be held in each district. (1) All owners of lands assessed under ORS 477 205 to 477.291 shall have an opportunity to be heard on matters pertaining to the budgeting of moneys required to defray the cost of protection in each forest protection district The forester, under the direction of the board, shall provide for the holding of a public budget meeting in each district on or before May 1 of each year The meeting shall be held at any convenient place designated by the forester

(2) In forest protection districts wherein the board has entered into cooperative agreements or contracts with forest protective agencies, the board may make provision for the holding of the public budget meeting required in subsection (1) of this section on the same date and at the same place as a regular meeting of the agency [Formerly 477 043]

477.246 [Amended by 1965 c 253 §122, renumbered 477 685]

477 248 [Amended by 1965 c 253 §123, renumbered 477 690]

477.250 Notice of budget meeting; notice of proposed assessment. (1) 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 forest protection district and in such other media of communication as the forester finds advisable However, 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 district may be inspected and shall state the time and place of the meeting

(2) Whenever the forester determines that any privately owned land should be subject to assessment for forest protection and such land was not subject to the assessment during the preceding year, the forester shall give written notice by mail of the determination to each owner of such land not later than May 1 of the year the assessment is to be made The notice shall inform the owner of the acreage and tax lot number of the lands to be assessed and the name and address of the nearest representative of the forester the owner may contact if review of the proposed assessment is desired The notice shall also inform the owner of the procedure for hearing and appeals prescribed in ORS 477.205 to 477 291. [Formerly 477 045, 1979 c 276 §1]

477.255 Holding of budget meeting; revision and submission of budget for final approval. (1) 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

(2) A member of the board, or the forester, shall act as chairman of the meeting. The forester shall cause the minutes of the meeting to be preserved as a public record.

(3) During the meeting the chairman shall receive from any interested persons suggestions, advice, objections or remonstrances as to the proposed budget for that forest protection district. The forester, under the direction of the board, may make changes in the budget proper and consistent with law, and thereafter submit the budget for final approval under ORS 477.265 [Formerly 477 047]

477.260 Appeal to board. Any owner of grazing land or timberland within the boundary of the forest 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 filed in writing with the forester and reviewed by the board at its meeting under ORS 477 265 [Formerly 477 049]

477.265 Board to deal with budgets and appeals at June meeting. At the meeting of the board on the first Wednesday following the first Monday in June at the offices of the department in Salem, the board shall review the forest protection district budgets, hear appeals from the owners of grazing land or timberland, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein [Formerly 477 051]

477.270 Budgeted cost of forester to be lien; collection; deposit of amounts collected. (1) Subject to the forest patrol assessment limitations set forth in ORS 477 230

(a) The budgeted cost of the forester, as provided for in ORS 477 205 to 477 291, in providing protection for privately owned forest land shall be a lien upon such property, shall be reported by the forester to the governing body of the county in which the lands are situated on or after July 1 of each fiscal year, and shall be levied and collected by the governing body 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 governing body 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 apply Upon collection thereof, the governing body shall repay the entire amount collected to the forester.

(b) In lieu of the procedures under paragraph (a) of this subsection, the forester, under the direction of the board, may make direct billing of the budgeted cost to owners of forest land and receive payment of the cost therefrom In the event that under such billing procedures any owners fail to make payment, the unpaid budgeted cost shall become a lien against the property so billed and shall be levied and collected with the next taxes on such property as described in paragraph (a) of this subsection

(c) The budgeted cost of the forester in providing protection for forest land owned by the state or by a political subdivision 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

(2) Except as provided in ORS 477 230 (2), all moneys received by the forester pursuant to this section shall be paid into the State Treasury, credited to the State Forestry Department Account and used exclusively for the purposes of ORS 477 205 to 477 291. [Formerly 477 033, 1983 c 16 §2]

477 272 [Repealed by 1953 c 152 §10]

477 274 [Repealed by 1953 c 152 §10]

477.275 Credit of minimum assessment to Oregon Forest Land Protection Fund. Notwithstanding any other provision of law, during each fiscal year beginning July 1, 1983, $5 of each minimum assessment received under ORS 477 270 and 477 285 shall be paid into the Oregon Forest Land Protection Fund [1981 c 321 §14, 1983 c 109 §1]

Note 477 275 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 477 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

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 [1953 c 152 §2, 1965 c 253 §116, renumbered 477 670]

477.284 [1953 c 152 §3, repealed by 1965 c 253 §153]

477.285 Costs incurred by forester in excess of amounts budgeted to be included in next budget and levied and assessed against lands in district. Subject to the forest patrol assessment limitations set forth in ORS 477 230

(1) Actual costs incurred by the forester in the suppression of fire on grazing land in any forest protection district in excess of the amount budgeted as required by ORS 477 230, shall be included in the budget for the next fiscal year and shall be levied and assessed against the grazing land 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 land 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 source of the emergency moneys made available

(2) Actual costs incurred by the forester in the suppression of fire on timberland in any forest protection district in excess of the amount budgeted as required by ORS 477 230, shall be included in the budget for the next fiscal year and shall be levied and assessed against the timberland in the district without regard to proceedings for the collection of such costs Prior to the levy and assessment, such excess costs on the timberland 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 source of the emergency moneys made available [Formerly 477 035]

477 286 [1953 c 152 §4, 1965 c 253 §106, renumbered 477 625]

477 288 [1953 c 152 §5, 1965 c 253 §109, renumbered 477 635]

477.290 [1961 c 603 §14, 1965 c 253 §110, renumbered 477 640]

477.291 Hearing before board on owner's request; advance request for hearing on costs. (1) Any owner of grazing land or timberland subject to ORS 477 205 to 477 291 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

(2) Any hearings pertaining to costs charged against land for protection thereof must be

requested in advance of the meeting of the board under ORS 477 265 [Formerly 477 039]

477.295 Minimum assessment under ORS 477.270 and 477.285; combining lots. (1) For purposes of making the levy and assessment of costs against forest land under ORS 477 270 and 477 285, the cost against any lot or parcel of real property separately assessed for ad valorem taxes or other taxes provided by law in lieu thereof, on the current assessment roll shall be not less than $15 Otherwise, such assessments shall be determined under ORS 477 230, 477 270 and 477 285

(2) Upon application to the State Forester under subsection (3) of this section, contiguous lots in a subdivision held under the same ownership shall be considered as one combined lot for purposes of subsection (1) of this section, except that the combined lot shall not include

(a) A lot on which a structure has been placed or improvements made for the purpose of erecting any temporary or permanent structure, or

(b) A lot that

(A) Is in a subdivision containing lots that are being offered for sale, and

(B) Is not subject to state or local government restrictions prohibiting occupancy of the property

(3) To qualify under subsection (2) of this section, an owner of forest land shall make application to the State Forester no later than April 15 of the fiscal year preceding each fiscal year for which the owner desires the land to be assessed under subsection (2) of this section The application shall be on a form prescribed by the State Forester

(4) For the purposes of this section, "lot" and "subdivision" have the meanings given those terms in ORS 92 010 [1965 c 428 §6, 1969 c 204 §1, 1977 c 153 §1, 1977 c 892 §49, 1981 c 321 §13, 1983 c 108 §1]

477.300 Use of funds in State Forestry Department Account for capital outlay expenditures of district. (1) Moneys available at any time in the State Forestry Department Account for the purposes of this chapter, particularly ORS 477 205 to 477 291, which moneys are not specifically obligated for other purposes, may be used by the forester with the approval of the board for capital outlay expenditures in any forest protection district Prior to the making of such capital outlay expenditures, the forester and board may specify that the account shall be reimbursed for all or a part of such expenditures, over a period not to exceed 10 years, from any one or a combination of the following sources

(a) Forest patrol assessments of the district involved

(b) Moneys derived from an association under ORS 477 406

(c) Moneys derived from municipal, county, state or federal agencies under this chapter, for the protection of their forest land from fire

(2) Any reimbursement of capital outlay expenditures required by the forester and board under subsection (1) of this section shall be a pro rata amount from the source or sources involved, based upon forest land acreage being protected in the district for which the expenditures are made [Formerly 477 016]

477 302 [Amended by 1965 c 253 §126, renumbered 477 705]

477 304 [Amended by 1965 c 253 §127, renumbered 477 710]

477.305 Forester to enforce prohibition against littering on forest land in districts. The forester is authorized to enforce the provisions of ORS 164 805 insofar as such affects forest land within forest protection districts established under this chapter [1965 c 428 §2, 1971 c 743 §387]

477 306 [Amended by 1965 c 253 §132, renumbered 477 730]

477.308 [Amended by 1965 c 253 §133, renumbered 477 735]

477 310 [Amended by 1959 c 363 §12, 1965 c 253 §134, renumbered 477 090]

477.312 [Amended by 1959 c 363 §13, repealed by 1965 c 253 §153]

477 314 [Repealed by 1965 c 253 §153]

RANGELAND

477.315 Definition for ORS 477.315 to 477.325. As used in ORS 477 315 to 477.325, "rangeland" means any land

(1) That is located in that part of the state lying easterly of the summit of the Cascade Mountains, and

(2) That has not been classified as Class 1, Class 2 or Class 3 forest land under ORS 526 305 to 526 370, and

(3) That contains isolated tracts of forest land not so classified or not within a forest protection district, or that is primarily rangeland, undeveloped land or undeveloped area containing sagebrush, juniper and similar growths [Formerly 477 142]

477.320 Request of rangeland owners for protection; hearings; determination;

cooperative agreements for protection. (1) Owners of rangeland may request the board to hold a hearing on the subject of providing protection from fire for rangeland Upon receipt of such request, the board or its authorized representative shall hold one or more public hearings in order to receive from interested persons information relating to the providing of such protection, and shall cause public notice of the time and place of each hearing to be given The board or its authorized representatives shall keep the records of the proceedings of such hearings as public records

(2) After the hearing referred to in subsection (1) of this section, the board, in cooperation with interested persons, shall determine the rangeland to be included within a protection system, and the extent and type of protection to be provided Such protection shall be commensurate with the values and uses of the rangeland to be protected

(3) After proceedings under subsections (1) and (2) of this section, the forester and the board shall provide protection of the extent and type determined under subsection (2) of this section for rangeland determined to be included within a protection system under subsection (2) of this section For the purpose of providing such protection, the board may enter into cooperative agreements or contracts with individuals, associations, corporations, road districts, rural fire protection districts or agencies of the Federal Government [Formerly 477 144]

477.325 Budget for rangeland protection; collection of costs; disposition of receipts. (1) Before June 1 each year, the owners of rangeland to be protected under ORS 477 320 (3) shall prepare in cooperation with the board or its authorized representative, and submit to the board, a proposed budget for the fiscal year beginning on the next succeeding July 1 The budget shall include the proposed cost of such protection and the pro rata cost per acre of the rangeland to be protected At the meeting of the board under ORS 477 265, the board shall review the budget, make any changes therein that are proper and consistent with law, and pass final approval thereon and the prorated acreage rate therein

(2) The cost of protection of rangeland under ORS 477 320 (3) shall be in accordance with the budget approved under subsection (1) of this section The cost shall be collected pursuant to the cooperative agreement or contract entered into between the board and the owners of the rangeland under ORS 477 320 (3) All moneys received by the board pursuant to this subsection shall be paid into the State Treasury and credited to the State Forestry Department Account and shall be used exclusively for the purposes of ORS 477 315 to 477 325 [Formerly 477 146]

FIRE WARDENS

477.355 Fire wardens generally. (1) Under such general policy as to qualifications, numbers and localities as the board finds proper, the forester shall appoint

(a) One or more district fire wardens for each forest protection district, to be paid from the General Fund appropriation or such other moneys as are available for protection within each district, and to serve until their appointments are revoked by the forester for good cause shown

(b) 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 wardens for the purposes of this paragraph

(c) Additional fire wardens who are willing to serve as volunteers or under compensation by property owners

(d) State and county officers and employes whose duties make their services as wardens especially desirable as a convenience to the public Such officers and employes shall accept appointment as such when requested by the board

(e) Resident officers of federal agencies, upon recommendation of such agencies

(f) Either independently or jointly with other agencies, such additional wardens as are needed in times or localities of particular fire danger or to enforce this chapter and apprehend and prosecute violators thereof

(2) The forester may furnish the fire wardens such assistance and facilities for protecting life or property from fire as the forester finds necessary for public safety Unless contributed by other sources, the cost thereof shall be paid from moneys appropriated for carrying out this chapter [1965 c 253 §86]

477.360 Duties of fire warden for forest protection district. The district fire warden, under the direction of the forester, has charge of the fire fighting system in the forest protection district of the warden and such other duties as are required by law and the rules of the board Any other wardens appointed by the forester to serve in the district are subject to the direction of the district fire warden [Formerly 477 008]

477.365 Duties and powers of wardens. (1) Under instructions from the forester as to their exercise of state authority, all wardens shall

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

(b) Control the use of fire for clearing land in a closed season, as provided by ORS 477 505 to 477 530

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

(d) Have the power of peace officers to make arrests for violation of this chapter, and may enter upon the lands of any owner in the discharge of their duties, provided that in so entering they exercise due care to avoid doing damage

(2) The forester, or any warden coming under the jurisdiction of the forester, may administer oaths in investigations of violations of this chapter and the preparation of reports thereon [Formerly 477 012, 1971 c 743 §388]

477.370 Refusal to assist warden. 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 warden However, any such person so called upon shall be paid the going rate of wages for such work [Formerly 477 014]

477.375 Powers of fire wardens for federal grazing districts. Fire wardens appointed under ORS 477 355 (1)(b) have the powers and duties described in ORS 477 365, insofar as such powers and duties are necessary to protect persons and property within their districts from fire, including the issuance of permits under ORS 477 530 However, such fire wardens have only such of the powers and duties described in this section as they are authorized to accept under the laws and regulations of the United States [1965 c 253 §91]

COOPERATIVE CONTRACTS OR AGREEMENTS

477 405 [1965 c 253 §77, repealed by 1967 c 429 §23 (477 406 enacted in lieu of 477 405)]

477.406 Cooperative contracts or agreements for forest protection; negotiation. (1) The forester and a forest protective association may enter into a contract or agreement with each other or, jointly or separately, with a federal or state agency, political subdivision, corporation, responsible organization or responsible landowner or group of landowners for the prevention and suppression of fire on forest land or on land other than forest land, or both, to prevent and suppress fire

(2) Contracts and agreements under subsection (1) of this section, and all renewals and revisions thereof, must be negotiated in accordance with procedures specified by the rules of the forester, and do not become valid unless approved by the board as adequate for the purposes of subsection (1) of this section [1967 c 429 §24 (enacted in lieu of 477 405), 1969 c 204 §2]

477.408 Provisions of contract or agreement. Contracts or agreements under ORS 477 406 may provide, among other things, for any or all of the parties to do any one or more of the following

(1) Exchange services on a cooperative basis

(2) Provide services in return for cash payment or other compensation

(3) Loan or lease equipment

(4) Subcontract obligations [1967 c 429 §26]

477.410 Liability of parties; responsibility for equipment; unemployment insurance and workmen's compensation; sovereign immunity. (1) Unless otherwise provided in a contract or agreement, and except as provided in subsection (2) of this section

(a) A party to a contract or agreement under ORS 477 406, who is performing services for the benefit of another party, is not liable for injury or damages to persons or property inflicted by the actions of such other party

(b) If equipment is loaned or leased pursuant to a contract or agreement under ORS 477 406, the party to have primary use of the equipment under the contract or agreement is responsible for any and all damages or loss to such equipment or for insuring the equipment against loss or damage in a manner acceptable to the party owning the equipment

(c) If the services of personnel are involved pursuant to a contract or agreement under ORS 477 406, the party to have primary control over such personnel under the contract or agreement shall provide such unemployment insurance and workmen's compensation coverage as may be required by law

(2) Nothing in ORS 477 406 to 477 412 or in any contract or agreement under ORS 477 406 constitutes a waiver by the State of Oregon of its immunity from suit under section 24, Article IV of the Oregon Constitution, in addition to any waiver otherwise provided by law [1967 c 429 §27]

477.412 Disposition and use of moneys received by forester under contract or

agreement. All money received by the forester pursuant to a contract or agreement described in ORS 477 406 shall be paid into the State Treasury, credited to the State Forestry Department Account and used pursuant to law for the purposes of the contract or agreement [1967 c 429 §28]

477.415 Definitions for ORS 477.440 to 477.460. The definitions in ORS 321 005 apply to ORS 477 440 to 477 460 [1965 c 253 §78, 1967 c 429 §35, 1981 c 321 §8]

477 420 [Formerly 477 133, repealed by 1967 c 429 §61]

477 425 [Formerly 477 135, 1967 c 429 §13, 1977 c 182 §2, repealed by 1981 c 321 §12]

477.430 [1965 c 253 §82, 1967 c 429 §5, repealed by 1981 c 321 §12]

477.440 Emergency Fire Cost Committee; membership. There is in the State Board of Forestry an Emergency Fire Cost Committee consisting of four members, who shall be members of the board under the authority of ORS 526.010 (1)(a) and (d)(B) [Formerly 527 280, 1983 c 759 §12]

477.445 Distribution of fire emergency funds by committee. The committee shall supervise and control the distribution of funds from the Oregon Forest Land Protection Fund established under ORS 477 750 [Formerly 527 282, 1967 c 429 §6, 1981 c 321 §7]

477.450 Election of committee chairman. After July 1, 1961, the committee shall meet and elect one of its members chairman The chairman shall hold office for a period determined by the committee. Whenever the office of chairman of the committee becomes vacant, the committee at its next regular or special meeting shall elect one of its members to fill the vacancy [Formerly 527 288]

477.455 Meetings of committee. Regular meetings of the committee shall be coincident with the day and place set for meetings of the State Board of Forestry, as otherwise provided by law Special meetings of the committee may be called by its chairman or by three members. The act or decision of any three members shall be deemed the act or decision of the committee [Formerly 527 296]

477.460 Appointment of administrator; duties; compensation and expenses. (1) The committee shall appoint an administrator who shall hold office at the pleasure of the committee The committee shall have authority to fix the compensation and conditions of employment of the administrator The administrator shall act as secretary of the committee and shall carry out the provisions of ORS 477 440 to 477 460 in such manner as the committee shall direct The salary and other expenses of the administrator shall be paid from the Oregon Forest Land Protection Fund as are other expenses of the committee

(2) Members of the committee are entitled to compensation and expenses as provided in ORS 292 495 [Formerly 527 292, 1969 c 314 §51, 1981 c 321 §6]

FIRE PREVENTION

(Closed Seasons)

477.505 State Forester may declare closed season in district. (1) When conditions of fire hazard exist in a forest protection district or any part thereof, the State Forester may designate for that district or any part thereof the date of the beginning of a closed season for that year The closed season shall continue for that district or part thereof until ended by order of the State Forester when conditions of fire hazard no longer exist in that district or part thereof

(2) The State Forester may, during the same year and for the same district under circumstances similar to those described in subsection (1) of this section, designate one or more subsequent closed seasons [1965 c 253 §93, 1969 c 204 §3]

477.510 Acts prohibited during closed season. It is unlawful, during a closed season in a forest protection district, to

(1) Smoke while working in or traveling through any operation area in the district

(2) Use fuse and caps for blasting in the district unless approval is granted by the forester

(3) Use explosives in the topping of trees in the district unless approval is granted by the forester [Formerly 477 165]

(Permits)

477.515 Permits required for fires on forest lands; waiver; permit conditions; smoke management plan; restricted areas; rules; excepted areas. (1) It is unlawful to set or cause to be set on fire any forest land, including flammable forest growth, forest refuse, slashing or forest debris, or any grass, grain, stubble, debris or other such flammable material, within the boundaries of a forest protection district or within one-eighth of one mile of a forest protection district for which a closed season has been designated under ORS 477 505, or when required under rules promulgated pursuant to subsection (3) of this section either on one's own land or on

the land of another, without first securing a written permit from the forester or a warden and complying with the conditions of the permit The forester may waive the requirement that the permit referred to in this section be secured prior to burning whenever conditions are such as to justify oral permission

(2) In granting permits, the forester or any warden may prescribe conditions necessary to be observed in setting a fire and preventing it from spreading Any permit obtained through wilful misrepresentation is void

(3)(a) For the purpose of maintaining air quality, the State Forester and the Department of Environmental Quality shall approve a plan for the purpose of managing smoke in areas they shall designate The plan shall delineate restricted areas to which this subsection applies The plan shall also include but not be limited to considerations of weather, volume of material to be burned, distance of the burning from designated areas, burning techniques, and provisions for cessation of further burning under adverse air quality conditions All burning permitted within the restricted areas shall be according to the plan The plan shall be developed by the State Forestry Department in cooperation with federal and state agencies, landowners and organizations which will be affected by the plan The approved plan shall be filed with the Secretary of State and may thereafter be amended in the same manner as its formation

(b) The State Forester shall promulgate rules to carry out the provisions of the smoke management plan approved under this subsection

(4) The requirements of this section do not apply to lands protected pursuant to ORS 476 010 to 476 730 and 476 990 or ORS chapter 478, or lands protected within a city and for which lands a burning permit is required under such authority [1965 c 253 §95, 1969 c 204 §204, 1969 c 680 §1, 1971 c 297 §1]

477.520 Suspension or revocation of permits. (1) The forester or any warden may refuse, suspend or revoke a permit authorized by or issued under ORS 477 515 (1), when necessary in the judgment of the forester or warden to prevent danger to life, health or property The forester or warden may also refuse, suspend or revoke a permit authorized by or issued under ORS 477 515 (1), when necessary in the judgment of the forester or warden, and after consultation with the Environmental Quality Commission to prevent air pollution, as defined in ORS 468 275.

(2) On the advice of the forester that conditions in a forest protection district, or part thereof, so require, the Governor may suspend any or all such permits and prohibit the use of fire therein [1965 c 253 §96, 1969 c 680 §2]

477 525 [1965 c 253 §97, repealed by 1967 c 429 §14 (477 526 enacted in lieu of 477 525)]

477 526 [1967 c 429 §15 (enacted in lieu of 477 525), repealed by 1969 c 204 §8]

477.530 Fire permits in federal grazing districts. (1) It is unlawful during a closed season to set or cause to be set on fire any forest land, grass, grain or stubble within the area inclosed by the outside boundaries of a federal grazing district established by the United States Department of the Interior, for which area a closed season has been designated, either on one's own land or on the land of another, without first securing a written permit from a fire warden appointed for the grazing district pursuant to ORS 477 355 (1)(b)

(2) In granting permits, a warden in a federal grazing district may prescribe conditions necessary to be observed in setting a fire and preventing it from spreading The warden may refuse, suspend or revoke a permit when necessary in the judgment of the warden to prevent danger to life or property, and may prescribe conditions under which permits are not required Any permit obtained through wilful misrepresentation is void

(3) This section does not apply to any land within the boundaries of a city or that does not border or corner on the federal range [1965 c 253 §98]

477.532 Regional air quality authority's functions limited. None of the functions of the Environmental Quality Commission under ORS 477 515 and 477 520 shall be performed by any regional air quality authority established pursuant to ORS 468 505 [1969 c 680 §5]

(Restricted Uses)

477.535 Forester may proclaim forest land subject to restricted uses. (1) If the forester determines that any forest land is particularly exposed to fire danger, by proclamation the forester may designate such forest land as an extra fire hazard and may restrict the use of such forest land

(2) The proclamation shall designate the area to which and the period during which the restrictions apply, and require that the area be subject to use only upon the condition that entrants comply with all the restrictions for the area

(3) The proclamation shall designate the type of closure as

(a) Regulated closure,

(b) Permit closure, or

(c) Absolute closure [Formerly 477 156, 1967 c 429 §45]

477.540 Notice of proclamation; suspension or termination; reinstatement. (1) The forester shall cause a notice of the type, restrictions and effective date of closure proclaimed under ORS 477 535 and the manner in which permits may be secured if the area is subject to permit closure, to be posted on the main traveled roads entering the designated areas The forester shall also cause a notice of each proclamation to be published in at least one newspaper of general circulation in the state and, if the forester considers it practicable, one newspaper published in each forest protection district containing the designated areas Each published notice shall describe the area, type, restrictions and effective date of closure, and the manner in which permits may be secured if the area is subject to a permit closure

(2) The proclamation shall remain in force until the time designated therein expires or until the forester finds that the restricted use is no longer requisite and by order suspends or terminates it A reinstatement of a closure after a suspension does not require the notices described in subsection (1) of this section [Formerly 477 160, 1967 c 429 §46, 1969 c 204 §5]

477.545 Restricted uses during closure. (1) Regulated closures require entrants into designated areas to comply with the requirements set forth in the proclamation under ORS 477 535, which requirements in the judgment of the forester are necessary to prevent danger to life or property

(2) Permit closures make the area subject to entry only through permit issued by the forester or a warden The permit shall contain requirements which in the judgment of the forester are necessary to prevent danger to life or property The forester may, during periods of fire hazard conditions, refuse, suspend, revoke or restrict such permits

(3) Absolute closures restrict the areas to all forms of use and shall be designated only during periods of extreme fire hazard conditions endangering life or property [Formerly 477 158, 1967 c 429 §47, 1969 c 204 §6]

477 550 Violation of restrictions; access for fire fighting permitted. (1) Except as provided in subsection (2) of this section, it is unlawful to enter any restricted area except in compliance with ORS 477 535 and 477 545, or to violate any of the requirements or restrictions under such sections

(2) Nothing in this section applies to an owner's right of entry upon the land of the owner or prohibits free access to any area by anyone for the sole purpose of preventing or extinguishing fires [Formerly 477 162, 1967 c 429 §48]

SNAGS; SLASHING AND OTHER DEBRIS

477.565 Felling dead trees and snags. (1) In an operation on forest land

(a) If power-driven equipment is used at any location to load and assemble forest products, the operator shall fell all dead trees and snags of such size and within such distance of the equipment as may be required by rules promulgated by the forester

(b) On forest land west of the summit of the Cascade Mountains, the operator shall fell all dead trees and snags within the operation area of such size, at such times and in such manner as may be required by rules promulgated by the forester

(2) Rules promulgated under this section shall prescribe such felling as reasonably is necessary to prevent the spread of fire [Formerly 477 217, 1967 c 429 §49]

477 570 [Formerly 477 242, repealed by 1973 c 46 §8]

477.575 Burning slashing; methods. At any time of the year in a forest protection district, all burning of slashing in the district shall be done in accordance with ORS 477 515 to 477 532 Before any such burning, 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 [Formerly 477 244, 1969 c 680 §3, 1973 c 46 §4]

477.580 Determination of additional fire hazards; notice to landowner; plan for reducing hazard; release from liability. (1) Following notice pursuant to ORS 527 670 by the landowner or operator to the forester of the intent to start an operation, and after slashing has been created by the operation, the forester shall make a determination if such slashing and debris exists on the area in sufficient quantity and arrangement as to constitute an additional fire hazard that endangers life, property or adjacent lands, and if such area is in need of additional work or protection to reduce, abate or offset the addi-

tional fire hazard Whenever practical, the forester shall make the determination referred to in this subsection during the administration and enforcement of the Oregon Forest Practices Act

(2) If the forester determines that an additional fire hazard exists on the area sufficient to endanger life, property or adjacent lands, and that such area is in need of additional work or protection to reduce, abate or offset the additional fire hazard, the forester shall so notify the landowner and operator or their representatives in writing of such determination Pursuant to rules promulgated by the forester, the notice to the landowner or operator shall contain provisions for offsetting the additional fire hazard by burning or extra work, improvements, extra protection or other means The notice shall also specify a reasonable time for completion of the provisions contained therein

(3) When the forester finds that the provisions set forth in subsection (2) of this section have been complied with or that the additional hazard has been, in the opinion of the forester, sufficiently reduced by other means to offset the hazard, the forester shall immediately issue to the operator or landowner a release from all obligations imposed by ORS 477 120 (2)(c)

(4) If the forester determines that an additional fire hazard exists, the forester shall, at the request of the owner or operator, with the approval of the owner, grant a release upon payment by the owner or operator of such sum of money as the forester finds necessary to provide additional protection or means necessary to reduce or offset the additional hazard created by such slashing and other debris In no event may this sum exceed (a) $3 for each 1,000 board feet of timber harvested in a commercial operation, or (b) the forester's estimated cost of reducing or providing other means to offset the additional hazard, or (c) $5 for each acre in a stand improvement operation where no timber is harvested, whichever amount is the lesser Moneys received under this subsection shall be placed in the State Treasury, credited to the State Forestry Department Account and used exclusively for the purposes of forest protection within the district

(5) Any owner of forest land may make written request to the forester to assume all obligations for the disposal or reduction of any additional fire hazard determined to exist thereon If the forester then determines that the owner can comply with such obligation, the forester shall immediately issue to all other persons involved a written release of such obligations

(6) Any order or determination made by the forester pursuant to this section is final unless modified or vacated in an appeal to the board taken within 30 days after issuance of the order [1965 c 253 §121, 1965 c 428 §16, 1967 c 429 §54, 1973 c 46 §5, 1975 c 74 §1, 1979 c 222 §1]

477 585 [1967 c 429 §56, repealed by 1973 c 46 §8]

PLANT, MACHINERY AND EQUIPMENT REGULATIONS

(Enjoining Violations)

477.605 Enjoining violations of ORS 477.615 and 477.645 to 477.655. Any person violating any provisions of ORS 477 615 and 477 645 to 477.655 may be enjoined in an appropriate judicial proceeding from the further use of such logging equipment, mill or plant until the person complies with these sections [Formerly 477 218]

477.610 Standardization of fire-fighting equipment used to protect forest land. (1) Notwithstanding any other law, the forester, in cooperation with other forest protection associations and agencies, shall carry on a continuous program for the standardization of equipment used for the protection of forest land from fire, and from time to time shall issue rules, with the approval of the board, for such standardization where it is the finding of the forester and board that such standardization is economically feasible and permits greater utility in the use of such equipment

(2) The provisions of ORS 476 410 to 476 440 shall not apply to equipment used for the protection of forest land from fire [1965 c 76 §§2, 3]

(General Regulations)

477.615 Additional water supply. (1) When, in the judgment of the forester, a logging operation is of sufficient size and so planned and operated as to justify additional protection from fire, the owner or operator, within 30 days after having been so directed by the forester in writing, shall provide additional water supply, and equipment for its use in fire suppression, that is in conformity with rules promulgated by the forester

(2) All such equipment, during a closed season, shall be kept in constant readiness for instant use in fighting forest fires. However, nothing in this section prohibits the use of the equipment by the operator for sprinkling roads or other uses within the operation area

(3) Rules promulgated under this section shall prescribe such water supply and equipment as reasonably are necessary to provide immediate

and effective suppression of fires on forest land [Formerly 477 212, 1967 c 429 §17]

477.620 Requirements concerning installation or operation of mill or plant. (1) Any person 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 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 a lesser distance is specified by the forester

(2) Any person 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 a lesser distance is specified by the forester The forester, during a closed season affecting such forest land, shall require a cleared fire line around such refuse which in the judgment of the forester is adequate to reduce fire hazard conditions

(3) Any person who constructs or installs a mill or plant for the prefabrication or manufacture of forest products in or within one-eighth of one 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 [Formerly 477 215]

477.625 Permit to use fire or power-driven machinery; conditions. Every person conducting an operation using fire in any form or power-driven machinery shall first obtain from the forester a written permit for the calendar year, which shall require that the holder of the permit

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

(3) If operating west of the summit of the Cascade Mountains, close down any part or all of the operation during any period of time when notified that, in the judgment of the forester, conditions exist as described in ORS 477 670

(4) If operating west of the summit of the Cascade Mountains, furnish and maintain such weather instruments as the forester may prescribe as adequate in the judgment of the forester to indicate fire hazard conditions [Formerly 477 286]

477 627 [1975 c 185 §3, repealed by 1975 c 185 §6]

477.630 Description of area. Each permit issued under ORS 477 625 shall state by legal description the area upon which any operation is being conducted [1965 c 253 §108, 1975 c 185 §1]

477.635 Authority to issue, refuse, suspend or revoke permit. The forester may issue the permits required in ORS 477 625 and suspend or revoke such permits because of violation of the terms thereof or noncompliance with this chapter The forester shall refuse to issue a permit to any person for the conduct of an operation when, in the judgment of the forester, an excessive amount of forest debris in and around the operation results in extreme danger of fire damage to adjoining property [Formerly 477 288]

477.640 Use and refueling of portable power saws. Any person using, operating or fueling a portable power saw on or within one-eighth of one mile of forest land, which saw is powered by an internal combustion engine, shall comply with the rules of the forester relating thereto, promulgated for the prevention and suppression of fire. [Formerly 477 290]

(Closed Season Regulations)

477.645 Steam or internal combustion engines. (1) During a closed season in a forest protection district, every person operating a steam or internal combustion engine inside or within one-eighth of one mile of the district shall equip and maintain the engine in conformity with rules promulgated by the forester These rules shall prescribe such equipment as reasonably is necessary to prevent the escape of fire from such an engine

(2) Escape of fire from any engine described in this section is prima facie evidence that it has not been equipped and maintained adequately in compliance with rules promulgated under this section [Formerly 477 182, 1967 c 429 §18]

477.650 Stationary steam or internal combustion engines; waiver. (1) During a closed season in a forest protection district every person operating a stationary steam or internal combustion engine inside or within one-eighth of one mile of the district shall.

(a) Provide at each engine on an operation within 300 feet of flammable debris on forest land a water supply, and equipment for its use in fire

suppression, in conformity with rules promulgated by the forester These rules shall prescribe such water supply and equipment as reasonably are necessary to prevent the spread of fire

(b) If the equipment is on or within 150 feet of any forest land

(A) Clear the ground of all flammable debris for a distance of 50 feet around such equipment, or

(B) Keep the ground sufficiently moist to prevent the starting of fires

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

(3) For the purposes of this section, a steam or internal combustion engine shall be considered stationary if it is operated for a period of more than two days at one place on any operation, including but not limited to any one sawmill site or logging side

(4) The forester in writing may waive any requirement of this section when an operation will not constitute a fire hazard sufficient to justify the requirement [Formerly 477 184, 1967 c 429 §19]

477.655 Fire-fighting tools and equipment at operation site and on trucks. During a closed season in a forest protection district

(1) Every person conducting an operation inside or within one-eighth of one mile of the district shall provide and maintain, at the operation site or at a location designated by the forester, fire-fighting tools that are in conformity with rules promulgated by the forester The tools shall be used only for fighting fire and for no other purpose

(2) Each steam or internal combustion engine used in an operation shall be equipped with fire-fighting tools and equipment that are in conformity with rules promulgated by the forester.

(3) All trucks driven over roads through forest land, excepting county roads and state highways, shall be equipped with fire-fighting tools and equipment that are in conformity with rules promulgated by the forester

(4) For purposes of this section, the rules promulgated by the forester shall prescribe such type and number of tools and equipment for extinguishing fires as reasonably are necessary to suppress fires, and the manner of storing such tools when not in use The tools and equipment prescribed by these rules shall be kept in constant repair and readiness for instant use [Formerly 477 186, 1967 c 429 §20]

477.660 Additional protection facilities or services at operation site. During a closed season in a forest protection district, when in the judgment of the forester any operation inside or within one-eighth of one mile of the district has a fire hazard requiring additional protection, the operator shall provide such other facilities or services as the forester by written notice may direct [Formerly 477 187, 1967 c 429 §21]

477.665 Watchman service; waiver. (1) During a closed season in a forest protection district every operator using power-driven equipment in an operation area in the district shall provide watchman service on the operation area. The watchman service shall consist of not less than one competent person, who shall be constantly on duty at times prescribed by rules promulgated by the forester These rules shall require watchman service at such times and at such places as the spread of fire on or from the operation to forest land reasonably may be expected

(2) The forester may modify or waive, in writing, any requirement of this section as to any operation whenever the fire hazard is not sufficient to justify the requirement [Formerly 477 188, 1967 c 429 §22, 1969 c 204 §7]

477.670 When use of fire or power-driven machinery prohibited. During a closed season in a forest protection district situated west of the summit of the Cascade Mountains, if the forest land in such district, 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 flammable debris, or due to a combination of any such conditions, the forester shall issue, and give to each person entering or being upon such land, notice to that effect. Thereafter the use of fire in any form by any person receiving such notice, except for fire control under the supervision of the forester, or the use of any power-driven machinery in any operation on such forest land, is unlawful unless approved by the forester Approval shall be granted only when in the judgment of the forester the activity will not increase the fire hazard conditions [Formerly 477 282]

RIGHTS OF WAY

477.685 Clearing rights of way; permit; placing clearing debris on another's

land. (1) 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 the land of the person or that of another, where the clearing would constitute a fire hazard, every person shall 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

(2) Subsection (1) of this section does not apply to railroad spurs or temporary roads not exceeding one-half mile in length, or to forest land for which an operation permit is in effect

(3) A person engaged in clearing any right of way on forest land shall not 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 [Formerly 477 246]

477.690 Clearing rights of way on forest land by state or political subdivision. (1) 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 political subdivision therein, or any agencies or officers thereof, unless the contract contains specific provisions for clearing the right of way therefor in conformity with ORS 477 685 and the permit issued by the forester therefor No such work performed for the state or political subdivision, or the officers thereof, shall be accepted by it until the provisions of this section and of the permit have been complied with ORS 477 685 applies when the state or political subdivision, or officers thereof, clear any right of way by force account

(2) Upon failure of the state or political subdivision or officers to clear any right of way in conformity with ORS 477 685, the forester shall, upon complaint of any interested party, or upon the motion of the forester, investigate the condition existing If ORS 477 685 has not been complied with, the forester shall notify the state or political subdivision, or officers responsible and set a reasonable time within which 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 477.685

(3) The expense of the work, together with the expense of any patrol rendered necessary, shall be paid by the forester and certified to the political subdivision in or by which the work was performed and shall be paid by such political subdivision If the work is being carried on by the state, the certificates shall be transmitted to the proper state agency 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 by action in the name of the state

(4) All moneys collected by the forester under this section shall be paid into the State Treasury, credited to the State Forestry Department Account, and expended as other moneys in that account are expended [Formerly 477 248]

477.695 Removal of flammable material from railroad rights of way. (1) Every person operating a railroad of any kind in this state within a forest protection district shall annually or more often, if so ordered by the forester, in a manner and to an extent ordered by the forester, destroy or remove all flammable growth and flammable material from the right of way of the railroad All burning done to comply with this section must be in accordance with ORS 477 505 to 477 530

(2) The forester shall allow a reasonable period of time for compliance with this order [1965 c 253 §125, 1971 c 562 §1]

MISCELLANEOUS

477 705 [Formerly 477 302, repealed by 1983 c 327 §16]

477.710 Starting of campfire or other open fire restricted; exceptions. It is unlawful for any person to start a campfire or other open fire upon lands not owned by the person, without first clearing the area immediately around and above it of material that will carry fire, or leave on such lands a campfire or other open fire unattended, or permit a campfire or other open fire to spread thereon This section does not apply to any activity conducted in compliance with ORS 477 365, 477 515, 477 530, 478 960, 526 041 or 526 360 [Formerly 477 304, 1967 c 429 §50]

477 715 [1965 c 253 §129, repealed by 1971 c 743 §432]

477.720 Accidentally setting fire to forest land; failure to prevent spread. (1) It is unlawful, having accidentally set fire to any forest land, or any place from which fire may be communicated to forest land, to fail to extinguish the fire or use every possible effort so to do

(2) It is unlawful, having built a fire on or near forest land, through carelessness or neglect

to permit the fire to spread to or through the forest land [1965 c 253 §130]

477.730 [Formerly 477 306, repealed by 1971 c 743 §432]

477.735 Private informer to receive one-half of fine; disposition of fines. Any person not employed and compensated as a warden who detects a violation of this chapter, and furnishes information leading to the arrest and conviction of the violator, shall receive one-half of the fine paid by the person convicted Except as so provided, all such fines, less the cost of collection, shall be placed in the general fund of the county [Formerly 477 308, 1971 c 743 §389]

477.740 Unlawful use of fire. (1) A person commits the crime of unlawful use of fire if the person.

(a) Unlawfully sets on fire, or causes to be set on fire, any grass, grain, stubble or other material being or growing on any lands within the state, or

(b) Intentionally or negligently allows fire to escape from the person's own land, or land of which the person is in possession or control, or

(c) Accidentally sets any fire on the person's own land or the land of another and allows it to escape from control without extinguishing it, or using every reasonable effort to do so, or

(d) Having knowledge of a fire burning on the person's own land, or land of which the person is in possession or control, fails or neglects to make every reasonable effort to extinguish the same, regardless of whether or not the person is responsible for the starting or existence thereof

(2) Unlawful use of fire is a Class B misdemeanor [1971 c 743 §307]

OREGON FOREST LAND PROTECTION FUND

477.750 Oregon Forest Land Protection Fund; source; use. (1) The Oregon Forest Land Protection Fund is created This fund shall be held by the State Treasurer as a trust fund for the uses and purposes provided in ORS 477 750 to 477 775 and 477 880 The State Treasurer shall deposit and invest moneys in the fund as provided by law, taking into account its uses and purposes

(2) Notwithstanding any other law and as limited by ORS 477 750 to 477 775 and 477 880, that part of the suspense account created by ORS 321 145 that is derived from the tax levied by ORS 321 015 (2) after refunds and other costs permitted by law, shall be credited to the Oregon Forest Land Protection Fund

(3) Funds which may be provided under ORS 477.230 for the purchase of insurance authorized by ORS 477 775 shall be credited to the Oregon Forest Land Protection Fund [1969 c 524 §2, 1983 c 16 §3, 1985 c 759 §33]

477.755 Appropriation of fund for emergency fire suppression costs; limitation on expenditures. Notwithstanding ORS 291 238, the moneys in the Oregon Forest Land Protection Fund are appropriated continuously to the Emergency Fire Cost Committee and shall be used for equalizing emergency fire suppression costs for safeguarding forest land in any forest protection district, and for necessary administrative expenses However, such administrative expenses shall not exceed $17,500 for any fiscal year [1969 c 524 §3]

477.760 Reserve base of fund fixed; annual determination of excess over base; tax levies and assessments to maintain base. The reserve base of the Oregon Forest Land Protection Fund is $6 million On or about the last day of February of each year the Emergency Fire Cost Committee shall meet and determine the unencumbered balance of the fund as of the preceding February 16 If the committee determines that the moneys in the fund exceed the reserve base, then the taxes described in ORS 321 015 (2) and the assessments described in ORS 477 880 shall not be levied for the following fiscal year [1969 c 524 §4, 1985 c 158 §1, 1985 c 759 §34]

477 765 [1969 c 524 §5, repealed by 1985 c 759 §40]

477.770 Rules relating to use of fund. The Emergency Fire Cost Committee shall promulgate rules relating to the disposition of moneys from the Oregon Forest Land Protection Fund Under such rules the committee may require that prior to the payment of moneys from the fund the forest protection district expend an amount for fire suppression not to exceed a per acre amount determined to be 10 percent of the total budgeted amount of all districts as set forth in ORS 477 220 to 477 415 divided by the total protected acres of all districts However, any such amount per acre shall apply uniformly to each forest protection district [1969 c 524 §6, 1977 c 182 §3, 1981 c 321 §5]

477.775 Insurance to meet expenses payable from fund; payment of premium from fund; annual review of coverage and premium. (1) Subject to prior approval by the Emergency Board, the Emergency Fire Cost Committee may purchase insurance through the Department of General Services to cover any lawful expense incurred by the State Forester, or contractors or cooperators, that is payable by the Oregon Forest Land Protection Fund Such

insurance may be obtained through negotiation or competitive bids, whichever is in the best interest of the state, its contractors and cooperators Notwithstanding any limitations expressed in ORS 477 755, any premium for such insurance shall be paid from the Oregon Forest Land Protection Fund

(2) When the Emergency Fire Cost Committee annually determines the unencumbered balance of moneys in the Oregon Forest Land Protection Fund as of February 16, as required by ORS 477 760, the committee also shall certify such amount to the Department of General Services The Emergency Fire Cost Committee through the Department of General Services thereupon shall reduce the coverage provided under insurance so that the coverage in effect during any calendar year does not exceed the difference between the unencumbered balance of moneys in the Oregon Forest Land Protection Fund as of February 16 in that year and $8 million

(3) Any contract of insurance obtained under subsection (1) of this section shall make provision for annual reductions in coverage under subsection (2) of this section and for concurrent reductions in premiums for such insurance [1969 c 524 §10, 1985 c 158 §2]

477 780 [1969 c 524 §14, repealed by 1985 c 759 §40]

ASSESSMENT FOR FIRE SUPPRESSION COSTS

477 805 [1967 c 429 §37, repealed by 1985 c 759 §40]

477 810 [1961 c 689 §2, 1965 c 253 §145, repealed by 1967 c 429 §61]

477 820 [1961 c 689 §3, 1967 c 429 §39, repealed by 1985 c 759 §40]

477 830 [1961 c 689 §§4, 5(3), 1969 c 524 §11, 1977 c 182 §4, 1981 c 321 §2, repealed by 1985 c 759 §40]

477 840 [1961 c 689 §5(1), (2), repealed by 1969 c 524 §15]

477 850 [1961 c 689 §6, repealed by 1985 c 759 §40]

477.880 Acreage assessment; east side forest lands; certain forest lands west of Cascade Mountains; rate. (1) An assessment is levied upon the owners of all forest lands east of the summit of the Cascade Mountains and upon the owners of forest land west of the summit of the Cascade Mountains which has been classified Class 3, agricultural class, under ORS 526 305 to 526 370, and that is protected from the start or spread of fire thereon or therefrom by

(a) The forester, with the approval of the board,

(b) The United States of America through contract or agreement with the forester or board,

(c) Any forest protective agency under contract or agreement with the forester or board pursuant to ORS 477 406, or

(d) Any forest protective agency, described in paragraph (c) of this subsection, under a contract or 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

(2) Except as otherwise provided in ORS 477 760, for each fiscal year the assessment levied by subsection (1) of this section shall be two cents per acre of ownership of forest land designated in subsection (1) of this section [1969 c 524 §§7, 8, 1981 c 321 §3, 1985 c 759 §35]

477 885 [1969 c 524 §9, repealed by 1985 c 759 §40]

477 910 [1959 c 320 §1, 1965 c 253 §146, repealed by 1967 c 429 §61]

477 920 [1959 c 320 §7, repealed by 1985 c 759 §40]

477 930 [1959 c 320 §2, 1967 c 429 §41, repealed by 1985 c 759 §40]

477 940 [1959 c 320 §3, 1967 c 429 §42, 1969 c 524 §12, 1981 c 321 §4, repealed by 1985 c 759 §40]

477 950 [1959 c 320 §4, 1961 c 689 §7, 1965 c 428 §17, repealed by 1969 c 524 §15]

477.960 Collection of assessment. (1) Insofar as applicable, the assessment levied under ORS 477 880 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 protection costs provided in ORS 477 270 (1)(a) and (b) Wherever applicable, the assessment levied under ORS 477 880 shall be combined with the budgeted cost certified to the county under ORS 477 270 (1)(a) as one amount for each account listed so that the officer in charge of the roll can extend the amounts on the assessment roll in a separate column in a single figure

(2) The minimum assessment set forth in ORS 477 295 shall be applied to the combined amount described in subsection (1) of this section [1959 c 320 §5, 1961 c 689 §8, 1965 c 312 §4, 1967 c 179 §1, 1967 c 429 §43, 1985 c 759 §36]

477.970 Disposition of receipts. The receipts from the assessment levied by ORS 477 880 shall be paid into the Oregon Forest Land Protection Fund [1959 c 320 §6, 1961 c 689 §9, 1967 c 429 §44, 1985 c 759 §37]

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 477 993 (1963 Replacement Part) enacted in lieu of 477 990)]

477 992 [Repealed by 1959 c 363 §21]

477.993 Penalties. (1) Except as provided in subsection (4) of this section, violation of any of the provisions of ORS 477.370, 477 510, 477 515, 477 535 to 477.550, 477 565 to 477 575, 477 615 to 477 625, 477 635, 477 645 to 477 670, 477 685, 477 695 or 477 710 is punishable, upon conviction, by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 60 days, or both

(2) In addition to other penalties prescribed by this section, failure to comply with ORS 477 625 or 477 670 subjects the violator to a fine for each day such violation continues

(3) Justice courts, district courts and circuit courts have concurrent jurisdiction of violations under subsections (1) and (2) of this section

(4) Violation of any rule or order issued or given by the forester under authority of this chapter is punishable, upon conviction, as a misdemeanor [Subsections (1) and (2) of 1963 Replacement Part and subsections (1) to (3) enacted as 1959 c 363 §15 (in lieu of 477 990), subsection (6) of 1963 Replacement Part enacted as 1959 c 408 §6, subsection (7) of 1963 Replacement Part enacted as 1959 c 320 §8, subsection (8) of 1963 Replacement Part enacted as 1961 c 689 §11, subsection (5) enacted as 1961 c 603 §15, 1965 c 253 §136, 1971 c 562 §2, 1971 c 743 §390]