

Chapter 565

1989 EDITION

Fairs and Exhibits

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DEFINITIONS

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

- (1) "Board" means county fair board.
- (2) "Center" means the Oregon State Fair and Exposition Center.
- (3) "Commission" means Oregon State Fair Commission.
- (4) "County court" includes board of county commissioners.
- (5) "Director" means the Director of the Oregon State Fair and Exposition Center. [Amended by 1969 c.239 §1; 1977 c.55 §11]

THE OREGON STATE FAIR AND EXPOSITION CENTER

565.015 Oregon State Fair and Exposition Center; functions; director; appointment; confirmation; officers and employees. (1) There is established the Oregon State Fair and Exposition Center. In addition to such other duties, functions and powers as may be prescribed by law, the center shall manage and operate all properties and grounds of the center and shall control, manage and operate the Oregon State Fair.

(2) The center shall be under the administrative control of a director who is appointed by the Governor and who holds office at the pleasure of the Governor. The person appointed by the Governor shall be well qualified by training and experience to perform the functions of the office. Appointment of the director is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(3) Subject to any applicable provision of the State Personnel Relations Law, the director may appoint all subordinate officers and employees of the center and may prescribe their duties and fix their compensation. The director may delegate to any subordinate officer, employee or member of the Oregon State Fair Commission any administrative duty, function or power imposed upon the director by or pursuant to law. [1977 c.55 §13]

565.020 Oregon State Fair Commission established; members; confirmation; term; compensation and expenses. (1) The Oregon State Fair Commission shall consist of five members to be appointed by the Governor for terms of four years commencing October 1. The Governor shall appoint as a member a resident from each congressional district in Oregon. All appointments to the commission should attempt to provide broad-based representation of the various industrial, educational and cultural interests

active in state fair activities, such as agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits, including the racing of animals. A vacancy on the commission shall be filled for the unexpired term by appointment by the Governor. All appointments of members of the commission by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution.

(2) Each member of the commission is entitled to compensation and expenses as provided in ORS 292.495, such reimbursements to be made from money appropriated to the Oregon State Fair and Exposition Center for such purposes.

(3) The commission shall select one of its members as chairman and another as vice chairman, for such terms and with such duties and powers necessary for the performance of the functions of such offices as the commission determines appropriate.

(4) The commission shall meet at the call of the director or of a majority of the members of the commission. [Amended by 1967 c.135 §2; 1969 c.314 §65; 1971 c.542 §3; 1973 c.792 §25, 1977 c.55 §14; 1981 c.545 §13]

565.030 Commission to advise director; approval of commission required for certain actions by director. (1) The Oregon State Fair Commission shall provide advice and assistance to the director on matters regarding the operation of the Oregon State Fair and shall solicit and encourage support throughout the state to improve the quality of and participation in the fair to achieve the purposes and objectives of ORS 565.050.

(2) Notwithstanding any other provision of this chapter, without the prior approval of the commission, the director shall not:

(a) Award any contract for services in excess of \$1,000 to be performed at the Oregon State Fair;

(b) Authorize any expenditure of moneys appropriated to the Oregon State Fair in excess of \$10,000; or

(c) Substantially change the character of the activities traditionally conducted at the Oregon State Fair. [Amended by 1977 c.55 §16; 1979 c.357 §1]

565.040 Oregon State Fair established. There is established a state institution to be designated and known as the Oregon State Fair.

565.050 State fair purposes; use of properties; duration. The objects and purposes of the Oregon State Fair are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial

pursuits in this state, including the racing of animals. To this end the director shall operate the business and properties of the Oregon State Fair and Exposition Center as a year-round fair and exposition center, display historical objects and do all things necessary or expedient for the full utilization of the properties and facilities of the center. The director shall conduct an annual state fair for a period of not more than 17 days duration beginning and ending on such dates as the director considers appropriate. [Amended by 1955 c.146 §1; 1973 c.537 §1; 1977 c.55 §17; 1985 c.675 §5]

565.060 Rules. In accordance with any applicable provision of ORS 183.310 to 183.550, the director may adopt rules to carry out the provisions of this chapter. [Amended by 1977 c.55 §18]

565.070 Bonds of employees. All persons authorized to receive or disburse money in connection with the administration of the center shall be required to give a good and sufficient bond in such form and amount as the Executive Department may prescribe. [Amended by 1977 c.55 §19]

565.080 Management of center; powers of director; peace officers; state not liable for premiums. (1) The director shall have care of the center property and be intrusted with the direction of its business and financial affairs. The director shall prepare, adopt, publish and enforce all necessary rules for the management of the center and the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees. In carrying out any duties, functions or powers relating to property acquisition, capital construction or capital improvements for the center, the director shall contract for the performance of all services relating thereto with the Department of General Services.

(2) The director may appoint all necessary marshals to keep order on the grounds and in the buildings of the center during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.

(3) The director shall establish charges for entrance fees, gate money, lease stalls, stands, parking space, buildings, restaurant sites; conduct shows, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the director considers proper in the operation of a year-round fair and exposition center and the annual state fair. The state is in no event liable for any premium awarded or debt created by the director beyond the amount annually appropriated therefor. [Amended by 1973 c.537 §2; 1977 c.55 §20]

565.090 Location of state fair; acquisition of adjacent lands; repair of facilities.

(1) The Oregon State Fair shall be permanently located on the present grounds now owned by the state and heretofore devoted to Oregon State Fair purposes, located in the City of Salem, in Marion County. Those grounds and such additional lands as may hereafter be obtained by the center are dedicated for the use of the center.

(2) The center may obtain by donation, exchange or purchase such lands adjacent to the present grounds, including improvements thereon, as it may deem necessary and advisable to facilitate the use of such grounds and may construct, remodel and repair buildings and facilities deemed by it necessary in the operation of the center. [Amended by 1973 c.537 §3; 1977 c.55 §21]

565.095 Issuance of revenue bonds; disposition of proceeds; security for bonds.

(1) In accordance with any applicable provisions of ORS 286.010, 286.020 and 286.105 to 286.135 and ORS chapter 288, the Director of the Oregon State Fair and Exposition Center, with the approval of the commission, the Emergency Board and the State Treasurer, may issue revenue bonds in an amount not to exceed \$10 million.

(2) Moneys received from the issuance of revenue bonds may be expended for land acquisition, capital construction and improvements and for paying current operating and other expenses of the Oregon State Fair and the Oregon State Fair and Exposition Center.

(3) Revenue bonds issued pursuant to this section shall be secured by revenues received by the director from activities conducted at the Oregon State Fair and the Oregon State Fair and Exposition Center, and shall not be a general obligation of the Oregon State Fair, the Oregon State Fair and Exposition Center or the State of Oregon. [1985 c.675 §2]

565.100 [Amended by 1977 c.55 §22; 1979 c.602 §4; 1983 c.72 §4; repealed by 1985 c.675 §4]

565.102 [1983 c.72 §3, repealed by 1985 c.675 §4]

565.105 [1975 c.550 §9b; repealed by 1977 c.281 §2 and 1977 c.855 §20]

565.106 [1977 c.55 §24; 1981 c.106 §5; repealed by 1985 c.675 §4]

565.107 Oregon State Fair and Exposition Center Account; source; uses.

(1) The Oregon State Fair and Exposition Center Account is created as an account separate and distinct from the General Fund of the State Treasury. The account shall consist of:

(a) Proceeds from the sale of revenue bonds authorized to be issued by ORS 565.095.

(b) Interest earned on moneys held for debt service payments, rebates and the proceeds from the sale of revenue bonds pursu-

ant to ORS 565.095, notwithstanding ORS 293.140, including moneys held since December 17, 1986. Such interest earnings shall be separately accounted for within the Oregon State Fair and Exposition Center Account and shall be available only for the purpose of retiring bond indebtedness.

(c) Moneys received by the Director of the Oregon State Fair and Exposition Center from activities conducted at the Oregon State Fair and the Oregon State Fair and Exposition Center.

(d) Moneys received by the Director of the Oregon State Fair and Exposition Center by appropriation, gift or grant from any source or otherwise paid to the director pursuant to law.

(2) The account created by subsection (1) of this section is appropriated continuously to the Director of the Oregon State Fair and Exposition Center for the payment of:

(a) Operating and other expenses of the Oregon State Fair and the Oregon State Fair and Exposition Center.

(b) Land acquisition, capital construction and capital improvements at the Oregon State Fair and the Oregon State Fair and Exposition Center.

(c) Principal and interest on all revenue bonds issued pursuant to ORS 565.095. [1985 c.675 §3, 1987 c.659 §1, 1989 c.966 §62]

565.110 [Amended by 1965 c.342 §1, 1973 c.74 §1; 1977 c.55 §25; repealed by 1985 c.675 §4]

565.112 Revolving account. (1) Notwithstanding ORS 565.107 (2), the director may at any time during the year, file a voucher with the Executive Department for such amount as the director considers necessary to establish a revolving account. The Executive Department shall draw its warrant upon the Oregon State Fair and Exposition Center Account for the amount of such voucher, payable to the director. The director shall place any moneys so drawn in the revolving account which shall be maintained with the State Treasurer. The director or a designated custodian may withdraw, by checks, such money when it is necessary to make immediate cash payments for prizes, premiums, wages, repairs and other claims in connection with the center. The revolving account shall be reimbursed at least monthly by warrants drawn by the Executive Department upon the verified claims of the center payable out of the Oregon State Fair and Exposition Center Account.

(2) On December 31 of each year, the unexpended balance of the revolving account shall be returned to the Oregon State Fair and Exposition Center Account. [1987 c.659 §3]

565.120 Licenses to do business on state fairgrounds; disposition of proceeds. The director is authorized to issue a license permitting the holder of the license to conduct any business therein named upon the grounds of the center. Issuance of licenses shall be in accordance with the competitive bidding requirements of ORS chapter 279 for the awarding of public contracts, to the extent those procedures are practicable. The Director of the Department of General Services by rule may adopt and prescribe such supplementary competitive bidding procedures as the director considers appropriate. The funds arising therefrom shall become a part of the Oregon State Fair and Exposition Center Account. [Amended by 1973 c.537 §4; 1977 c.55 §26, 1985 c.675 §6]

565.130 Businesses that may be licensed; when other license may be required. (1) Licenses under ORS 565.120 may be issued permitting any business to be conducted upon the grounds of the center which under the laws of this state may be conducted at any place within the state, including the sale of malt, vinous or distilled liquor.

(2) Any business so licensed by the director shall not be required to pay license to any city, county or state, other than to the director as provided in ORS 565.120, for conducting a business upon the grounds of the center. However, nothing in this section shall interfere with the laws of this state requiring a license for the operation of a restaurant or requiring a license to be obtained from the Oregon Liquor Control Commission for the sale or distribution of alcoholic liquors. [Amended by 1973 c.537 §5, 1977 c.55 §27]

565.140 Buildings and facilities for 4-H Clubs and Future Farmers of America. The buildings and facilities therein that are planned, constructed, altered, furnished and equipped by the Oregon State Fair and Exposition Center at the state fairgrounds, as authorized by chapter 442, Oregon Laws 1957, shall be used primarily for the housing and dining of members of 4-H Clubs and of Future Farmers of America and for exhibit and contest space for nonlivestock exhibits of both groups. These buildings and facilities therein shall be available for other groups only at times other than during the state fair and as authorized by the Oregon State Fair and Exposition Center. [1957 c.442 §1; 1959 c.52 §1, 1985 c.565 §84]

565.142 [1957 c.442 §2; repealed by 1977 c.855 §20]

565.150 Armory on state fairgrounds. (1) When construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if the Oregon State Fair and Exposition Center, and the General Staff of the Oregon National

Guard arrive at a mutually satisfactory agreement for the use of the armory by the center, the center may, notwithstanding the provisions of ORS 565.090, permit such armory to be constructed on Oregon State Fairgrounds, and grant control over such armory and grounds to the General Staff for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer used for military purposes, the control over them shall revert to the center.

(2) For purposes of this section, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory constructed under subsection (1) of this section. [1959 c.615 §§1, 2]

565.160 Horse barn facilities at state fairgrounds. (1) The Oregon State Fair and Exposition Center shall plan, construct, alter, furnish and equip horse barn facilities at the state fairgrounds suitable for stabling horses. These facilities shall also include restrooms suitable for public use. The center shall also plan, construct, alter, furnish and equip storm sewers at the state fairgrounds.

(2) Notwithstanding any other provision of law pertaining to sale of public property, the State Treasurer with the approval of the investing agency may sell any site or facility described in subsection (1) of this section or interest therein so acquired by offer for sale by sealed bid. However:

(a) Any or all bids may be rejected.

(b) The state has first option to purchase at the highest bid accepted. [1961 c.634 §§1, 6, 7, 1973 c 537 §6; 1985 c 731 §29]

565.170 Homemaking arts and crafts facility at state fairgrounds. The Oregon State Fair and Exposition Center shall plan, construct, alter, furnish and equip at the state fairgrounds a facility suitable for housing exhibits and providing contest space for the homemaking arts and crafts. [1963 c.613 §1]

565.180 [1963 c 613 §§2, 3; 1965 c.56 §3; repealed by 1975 c.75 §5]

565.190 Financing county exhibits at state fair. A county court is authorized to appropriate out of the general fund of the county not otherwise appropriated money for the purpose of sponsoring a county exhibit at the annual state fair. This section shall not be deemed to limit the authority of a county which has adopted a charter under section 10, Article VI, Oregon Constitution. [1973 c.537 §7]

COUNTY FAIRS AND SHOWS

565.210 County fairs; authority; county fair board; members; appointment; term; bond. (1) Any county may hold county and industrial fairs; but only one county fair shall be held in each county.

(2) In counties holding county fairs, the county court or board of county commissioners of such county shall appoint a board consisting of not less than three nor more than five residents of the county, to be known as the county fair board. When the first members of the board are appointed under this section, one member shall be appointed for a term to expire the January next following appointment, one for a term to expire one year from the January next following appointment, and one for a term to expire two years from the January next following appointment. In addition to the three members, the county court or board of county commissioners may, at any time, appoint not more than two additional members, the fourth member to be appointed for a term to expire one year from the January next following appointment and the fifth member, if any, for a term to expire two years from the January next following appointment. Annually thereafter, at the first meeting in January, upon the expiration of the term of a member, a successor shall be appointed to serve for three years.

(3) The court shall require each member of the board to furnish a good and sufficient bond in favor of the county, conditioned upon the faithful performance of the duties of the office. The bond for each member shall be in a sum equal to \$10,000 or 20 percent of the total revenues received by the fair in the last fiscal year ending prior to the appointment of such member, whichever is the lesser amount. The bond when approved by the county court shall be filed with the county clerk. The premium on the bond shall be paid for by the county fair board as an expense of the board.

(4) In all counties over 400,000 population according to the last decennial census the county commissioners thereof may be ex officio members of the fair board and may act as such in lieu of appointing a board as otherwise provided in this section.

(5) In counties under 400,000 population according to the last decennial census, no more than one member of the county court or board of county commissioners may serve as a member of the county fair board. [Amended by 1957 c.118 §1, 1961 c.684 §1; 1981 c 134 §1; 1985 c.716 §1]

565.220 County fair board; organization; quorum; president and secretary. (1)

The members of a county fair board shall, as soon as their bonds have been filed and approved, meet and organize by electing a president and selecting a secretary.

(2) A majority of the members of the board shall constitute a quorum for the transaction of all business at meetings. In the absence of the president another member of the board shall perform the duties of the president.

(3) The secretary provided for in subsection (1) of this section is not required to be a member of the board. The secretary shall execute a bond, as required of board members by ORS 565.210. [Amended by 1953 c.675 §12; 1961 c.684 §2, 1965 c.513 §2; 1967 c.275 §2]

565.230 Management of county fairs; licenses; disposition of proceeds. (1) The board has the exclusive management of the ground and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair, and is entrusted and charged with the entire business management and financial and other affairs of such fair.

(2) In order that the fairgrounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the board shall at all times have the authority to provide park facilities for the public or to issue licenses and grant permits for the holding of any exhibitions, shows, carnivals, circuses, dances, entertainments or public gatherings upon the fairgrounds. During the progress of county agricultural or industrial fairs and not otherwise, any such businesses so licensed by the board shall not be required to pay license to any city or county other than to the board as provided in this section. The board shall fix the sum to be paid for such permits and licenses, which shall be issued and signed by the president and secretary of the board. The moneys received from the issuance of such permits and licenses shall be deposited to the credit of the fair fund and warrants drawn against it the same as upon the disbursement of any other fair funds. [Amended by 1953 c.675 §12; 1969 c.239 §4; 1969 c.693 §1]

565.240 Rules and regulations; peace officers; appointment and powers. The board may make and enforce all rules and regulations necessary for the proper conduct and management of their respective fairs. It may appoint such marshals or police as may be necessary to keep order and preserve the peace during the time and at the place of holding the fairs and at all other times when the board deems such appointments necessary for the preservation of the peace and the protection of public and private property upon the fairgrounds. The officers so appointed have the same authority for the

preservation of order and making arrests upon the grounds as would a deputy sheriff.

565.250 [Repealed by 1981 c.134 §4]

565.260 Fair board or agricultural society existing prior to June 4, 1913. Where there existed on June 4, 1913, a county fair board, or an agricultural society in any county holding a county fair in such county, such board shall be considered the county fair board of such county by the provisions of ORS 565.210 to 565.310, and shall be governed under the rules and bylaws already in force of such association; provided, there shall be only one county fair held in each county.

565.270 [Repealed by 1959 c.579 §1]

565.280 Annual apportionment to counties. Each June 1 the Oregon Racing Commission shall distribute to each county treasurer in the state an amount which is the same proportion of the total amount apportioned under ORS 462.280 (1)(c) as the county's equalized true cash value of taxable property is of the whole equalized true cash value of the taxable property in the state, according to the tables delivered by the Department of Revenue to the Secretary of State under ORS 309.370 in the year immediately preceding the year in which distribution under this section is made. [Amended by 1959 c.579 §2; 1963 c.495 §5; 1969 c.298 §15, 1981 c.134 §2]

565.290 Use and disbursement of funds by counties. (1) Should a county through its county fair board decide to hold a fair, the funds paid to the county treasurer as provided in ORS 565.280 shall be used in the payment of premiums at such fairs. No part of such funds shall be awarded as premiums or prizes for trials of speed.

(2) Should a county fair be held, such funds in the hands of the county treasurer shall be disbursed upon warrants drawn by the board and signed by the president and secretary thereof.

(3) Except as provided in subsection (4) of this section, the county court of any county receiving funds as provided in ORS 565.280 shall determine which certain fairs, land products or livestock shows shall be entitled to receive such funds, and the amount of each to be received, and upon the order of the court the county treasurer shall disburse as provided in subsection (2) of this section.

(4) Upon application of the president of each of the following organizations, the board of county commissioners shall turn over to the treasurer of the respective organization, not later than July 31 of each year the sum indicated out of the funds received by Multnomah County under ORS 565.280:

(a) Oregon Poultry and Pet Stock Association, \$2,500

(b) Manufacturers and Land Products Show, \$4,500

(c) Pacific National Dairy Show, \$1,000

(d) Multnomah County Fair, all funds received by Multnomah County under ORS 565.280 other than those applied for under paragraphs (a) to (c) of this subsection.

(5) The money received by such organizations as prescribed in subsection (4) of this section shall be used exclusively for the purpose of paying premiums on exhibits at the annual show held under the direction and control of the respective organization. [Amended by 1959 c.579 §3, 1963 c.495 §6]

565.300 [Repealed by 1963 c.495 §9]

565.310 County fair not held; disposition of funds. Should a board decide not to hold a county fair, the county court may in its discretion expend such funds, or any portion thereof, for paying premiums upon exhibits of livestock, agricultural and horticultural products at any fair, land products show or livestock exposition held in this state. Any or all of such funds not so used shall be held by the county treasurer in a reserve fund to be available for use by the county fair board in subsequent years.

565.315 Handling and disbursing of moneys in connection with county fairs; financial statement. (1) Notwithstanding any other provision of law relating to the disbursement of county fair moneys from the county treasury, in order to pay promptly prize moneys, premiums, wages, necessary costs of repairs and other claims requiring prompt payment in connection with any county fair, the county fair board, at any time, may draw warrants for such amounts as it deems necessary to make such payments, payable to the county fair board, upon funds in the county treasury available for the purpose of making such payments. Such warrants shall be drawn by the board and signed by the president and secretary thereof.

(2) The board shall place any moneys drawn from the county treasury under subsection (1) of this section in a bank and may withdraw such moneys for the purpose of making the payments referred to in subsection (1) of this section by checks signed by the president and secretary of the board. All moneys in such checking account not expended during the year such moneys were drawn from the county treasury and placed therein shall be available for use by the board in subsequent years for the purpose of making the payments referred to in subsection (1) of this section.

(3) The board shall keep and make available to the county clerk and county treasurer a complete list of all warrants drawn and deposited in the checking account and all checks drawn against such checking account under this section.

(4) The board shall, once each year, file with the county clerk a complete financial statement showing all funds received and disbursed. There may be included in the report such suggestions and recommendations as in its opinion would make for the improvement and advancement of agricultural and related industries of the fair. [1955 c.665 §1, 1961 c.134 §3, 1983 c.327 §8]

565.320 [Repealed by 1955 c.209 §1]

565.325 County fair fund; purpose; source of moneys. (1) Each county under 400,000 population according to the last decennial census that holds a county fair shall establish and maintain a fair fund. The fair fund may be expended only for the promotion and operation of the county fair and to provide, maintain and improve county fairgrounds, buildings, facilities and improvements on the county fairgrounds for the county fair and other events authorized by the county fair board.

(2) All moneys received from activities conducted at the county fair or at the county fairgrounds or facilities, and all moneys received by a county fair as the licensee for pari-mutuel wagering on races conducted at or on behalf of the fair shall be deposited in the county fair fund. [1985 c.716 §3]

565.330 Maintenance of fairgrounds and buildings; tax levy. (1) In any county the county court may, at the time of making the annual estimate of the county levy for county purposes, include in the estimate and levy a sum not exceeding one one-hundred-sixtieths of one percent (.0000625) of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207, to cover the cost of maintaining the county fairgrounds and buildings, erecting new buildings and general operating expenses. The tax shall be collected in the same manner as other taxes are collected, shall be placed in a special fund to be known as the fair fund and warrants drawn thereon by the county fair board.

(2) The limitation provided by subsection (1) of this section on the amount of the levy does not apply to any specific levy for the purpose described in subsection (1) of this section that receives approval of a majority of the voters voting at a county-wide election. [Amended by 1955 c.209 §2, 1963 c.9 §33; 1983 c.646 §1]

565.340 [Repealed by 1953 c.675 §12]

565.350 [Repealed by 1953 c.675 §12]

- 565.360 [Repealed by 1953 c.675 §12]
- 565.370 [Repealed by 1953 c.675 §12]
- 565.380 [Repealed by 1953 c.675 §12]
- 565.390 [Repealed by 1953 c.675 §12]
- 565.400 [Repealed by 1953 c.675 §12]

FINANCING IMPROVEMENTS AT COUNTY FAIRS

Note: Sections 1 to 9, chapter 937, Oregon Laws 1989, provide:

Sec. 1. The Legislative Assembly declares that it is the purpose of sections 2 to 6 of this Act to develop and improve the economies of communities throughout this state by means of the improvement, expansion and new construction of facilities at county fairs and special events. [1989 c.937 §1]

Sec. 2. As used in this Act, unless the context requires otherwise

- (1) "County fair" means a county fair held in a county having a population of fewer than 400,000 people
- (2) "Department" means the Economic Development Department.
- (3) "Director" means the Director of the Economic Development Department.
- (4) "Facilities" includes buildings, structures and other improvements that comprise the physical foundation for industrial and commercial activity
- (5) "Special events" means those events listed in ORS 462.280 (1)(e) to (o) [1989 c.937 §2]

Sec. 3. (1) The Economic Development Department may make grants from the County Fair and Special Events Account to the governing bodies of county fairs and special events in order to finance projects for the improvement, expansion and new construction of facilities necessary to increase attendance and to present opportunities for a greater range and variety of economic, recreational, cultural, social and educational attractions. Grant moneys may also be used for acquisition of easements necessary for completion of a project.

(2) The department shall adopt by rule policies for the administration of the grant program established under this Act. The rules of the department shall specify eligible projects and activities, the required contents of grant applications, approval criteria, grant management and reporting requirements and program sanctions

(3) Prior to making any grant under this Act, the department shall require the governing body of a county fair or special event to make application therefor in the form and manner prescribed by the department.

(4) Upon receipt of an application under this section, the department shall determine whether the proposed project is eligible for financing by a grant awarded under this Act.

(5) If the department approves the award of a grant for a project, the department, on behalf of the State of Oregon, and the applicant shall enter into a grant contract containing such terms and conditions as the department considers necessary or appropriate. However, a grant contract shall contain the following terms:

- (a) An estimate of the reasonable cost of the project
- (b) An agreement by the county fair or special event to proceed expeditiously with, and complete, the project in accordance with the approved project application.

(c) None of the financial assistance provided by the state shall be used for administrative purposes.

(d) Grant moneys not used for approved project activities must be returned to the State of Oregon [1989 c.937 §3]

Sec. 4. (1) The department shall not award a grant or authorize the expenditure of any grant moneys under this Act for the payment of administrative costs, costs for preliminary planning, legal, fiscal and economic investigations, economic and engineering feasibility studies or costs of ordinary maintenance incurred to keep a facility in good repair.

(2) Not more than 85 percent of the total cost of a project may be paid with grant moneys awarded under this Act.

(3) No grant shall be used to finance facilities intended for the general conduct of government, such as city halls, police stations or courthouses. [1989 c.937 §4]

Sec. 5. If a county fair or special event fails to comply with a contract entered into under this Act, the department may seek appropriate legal remedies to secure contract compliance or to exercise sanctions provided for in the grant contract. [1989 c.937 §5]

Sec. 6. (1) The County Fair and Special Events Account, separate and distinct from the General Fund, is created in the State Treasury. All moneys in the account are continuously appropriated to the Economic Development Department for the purpose of making grants under this Act to the governing bodies of county fairs and special events.

(2) The County Fair and Special Events Account shall consist of moneys appropriated or allocated to the account by the Legislative Assembly, any moneys returned or repaid to the account under grant contracts or under rules and policies adopted by the department and interest, if any, earned on moneys in the account.

(3) All interest received from moneys credited to the County Fair and Special Events Account shall accrue to and become part of the account. [1989 c.937 §6]

Sec. 7. (1) The Economic Development Department may make grants to municipalities for the purpose of assisting municipalities to acquire, construct, alter or rehabilitate community facilities.

(2) The amount of any grant made to a municipality under this section shall not exceed 85 percent of the total cost of a project for the acquisition, construction or rehabilitation of community facilities.

(3) In making grants under this section, the department shall give preference to projects that

- (a) Demonstrate the potential for resulting in long-term economic benefits to the community, such as increased jobs or revenues;
- (b) Are tied to a strategy for development of a specific economic sector or for improvement of the overall business climate in the community;
- (c) Benefit a broad cross section of a municipality; and
- (d) Demonstrate a substantial local commitment to the community facilities to be financed.

(4) As used in this section:

(a) "Community facilities" means buildings, structures and other property, including real property, owned and operated by a municipality, nonprofit corporation or other governmental agency that provides educational, commercial, recreational, cultural, social or similar services to the public, but does not include projects funded through the Special Public Works Fund or the County Fairs Program.

(b) "Municipality" has the meaning given that term in ORS 284.310.

(c) "Rural area" means any area that is located entirely outside the acknowledged Portland Metropolitan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of the cities of Eugene, Springfield, Salem, Keizer or Medford.

(5) Prior to submitting an application for a community facilities grant, the applicant municipality shall hold a public hearing to consider alternative community facility project proposals. The applicant municipality must certify in the application that, among the alternatives considered, the proposed project is the highest priority community facility project for the applicant municipality.

(6) Except for municipalities located in rural areas, no grant shall be made under this section without the department first determining that the municipality has sufficient resources to verify a cash match equal to the grant [1989 c.937 §7]

Sec. 8. Not less than 33 percent of the funds disbursed as grants from the County Fair and Special Events Account shall be used to provide financial assistance to projects in rural areas and not less than 33 percent shall be used to provide financial assistance to nonrural projects [1989 c.937 §8]

Sec. 9. This Act is repealed June 30, 1991. [1989 c.937 §9]

COUNTY FAIR COMMISSION

565.405 "Director," "commission" defined. As used in ORS 565.410 to 565.450:

(1) "Director" means the Director of Agriculture.

(2) "Commission" means the County Fair Commission created by ORS 565.410. [1969 c.298 §2]

565.410 County Fair Commission; members; terms; vacancies. (1) There hereby is established the County Fair Commission, consisting of eight members. The director, or a staff member of the State Department of Agriculture appointed by the director, shall serve as a member of the commission without vote. The director shall appoint seven other members who are persons interested in fair activities. Three of such members must reside in the area east of the Cascade Mountains, three members must reside in the area west of the Cascade Mountains, and one member shall be from the state at large.

(2) The term of office of each voting member is three years, but all members serve at the pleasure of the director. Before the expiration of the term of a voting member, the director shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment, but no voting member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term. [1969 c.298 §3]

565.415 Compensation and expenses of commission members. A voting member of the commission shall receive a per diem allowance of \$30 when engaged in the per-

formance of official duties, including necessary travel time. In addition, subject to any applicable law regulating travel and other necessary expenses of state officers and employees, all members of the commission shall be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of official duties. [1969 c.298 §5; 1979 c.844 §1]

565.420 Duties and powers of commission officers; quorum. (1) The commission shall select from among its members such officers, for such terms and with such duties and powers necessary for performance of such offices as the commission determines.

(2) A majority of the voting members of the commission constitutes a quorum for the transaction of business. [1969 c.298 §6]

565.425 Establishment of merit rating system; criteria. (1) The commission shall establish, and from time to time may revise, a merit rating system to govern distribution of funds from the County Fair Account. Not later than January 1 of each calendar year the commission shall pay to the governing bodies of the various county fairs such amounts, if any, as the commission considers appropriate on the basis of the merit rating system.

(2) In addition to such other factors as the commission considers appropriate, the merit rating system referred to in subsection (1) of this section shall take into consideration:

- (a) Area and population served.
- (b) Open or youth participation.
- (c) Attendance and gate receipts.
- (d) Number and type of exhibits.
- (e) Premiums and prizes paid.
- (f) Evidence of successful achievement of the aims and purposes of the fair.
- (g) Nature of improvements made to grounds and facilities from year to year.
- (h) Year-round usage of grounds and facilities.
- (i) Overall condition and appearance of grounds and facilities. [1969 c.298 §7]

565.430 First merit rating system. Notwithstanding ORS 565.425, the merit rating system first established after the effective date of this Act shall be established with the advice of the Oregon Fairs Association. The merit rating system may thereafter be revised by the commission as provided in ORS 565.425. The merit rating system established pursuant to this section shall be based upon the same considerations as provided in ORS 565.425 (2). [1969 c.298 §8]

Note: Legislative Counsel has not made a substitution for "the effective date of this Act." Section 19,

chapter 298, Oregon Laws 1969, provides that sections 1 and 15 to 18 take effect on January 1, 1970, while sections 2 to 14 and 19 took effect August 22, 1969.

565.435 Commission staff assistance; costs. The director shall provide the commission with such clerical and staff assistance as the director considers appropriate to assist the commission in carrying out its duties. The cost of any such clerical and staff assistance shall be paid for from the County Fair Account created by ORS 565.445. [1969 c.298 §9]

565.440 Rules. In accordance with any applicable provision of ORS 183.310 to 183.550, the commission may promulgate such rules as may be necessary to carry out the provisions of ORS 565.410 to 565.435. [1969 c.298 §10]

565.445 County Fair Account; use of moneys. There hereby is created the County Fair Account in the General Fund of the State Treasury. All moneys in the account are continuously appropriated to the County Fair Commission to carry out the provisions of ORS 565.410 to 565.440, including the payment of administrative expenses. However, such administrative expenses shall not exceed \$44,000 per calendar year. [1969 c.298 §11, 1971 c.595 §1; 1979 c.844 §2, 1989 c.463 §1]

565.450 Budget preparation procedure. The commission shall prepare and adopt budgets in the same manner as provided for preparation and adoption of budgets in ORS 576.425 to 576.435. [1971 c.595 §3]

565.510 [Amended by 1953 c.675 §12, 1969 c.239 §2, repealed by 1983 c.327 §16]

565.520 [Amended by 1969 c.239 §3, repealed by 1983 c.327 §16]

565.530 [Amended by 1953 c.675 §12, repealed by 1969 c.239 §9]

565.540 [Repealed by 1983 c.327 §16]

565.550 [Amended by 1953 c.675 §12; repealed by 1969 c.239 §9]

565.560 [Repealed by 1983 c.327 §16]

565.570 [Repealed by 1983 c.327 §16]

REGULATIONS AND LAW ENFORCEMENT AT FAIRS GENERALLY

565.610 Doing business on fairgrounds without license prohibited; construction; persons affected. (1) No person shall set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other articles of traffic, or shall sell or otherwise dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article of traffic whatever on any grounds owned or occupied by the center, a county fair board or any county or district society formed for the promotion and encouragement of agriculture, stock growing or horticulture, or within one-half mile of

such grounds, without having paid the center, county fair board or such society the license for the privilege, or obtained the written consent of the center, county fair board or of the president and secretary of such society.

(2) Nothing in this section shall restrain any person except during the sessions of the annual fairs or exhibitions or other public events or meetings of the commission, any county fair board or of such societies, and for two days prior and two days subsequent thereto; nor shall it extend to any person regularly and continuously carrying on business within one-half mile of the premises mentioned. [Amended by 1953 c.675 §12, 1969 c.239 §5, 1973 c.537 §8, 1977 c.55 §28]

565.620 Admission to fairs except through special gates prohibited. No person shall gain admission, or attempt to gain admission, to the grounds of the center or of a county fair board or of any society mentioned in ORS 565.610 during their annual fairs or exhibitions, or at any public events or meetings of the center, county fair board or societies on their grounds, or grounds occupied by them or either of them, except through the special gates kept by the center, county fair boards or societies for that purpose. [Amended by 1953 c.675 §12, 1969 c.239 §6, 1973 c.537 §9]

565.630 Regulation of public meetings; violation of rules and regulations. The center, any county fair board and every society mentioned in ORS 565.610 may regulate its prices of admission, licenses and all matters pertaining to the conduct of its annual fairs, exhibitions or other public events or meetings. The penalty for violation of its rules and regulations is as provided by ORS 565.990 (2). [Amended by 1953 c.675 §12, 1969 c.239 §7, 1973 c.537 §10]

565.640 Peace officers; authority; power of arrest. The peace officers of the center, county fair board or of any of the societies mentioned in ORS 565.610, during the continuance of each annual fair or other public event or meeting, and for three days prior and two days subsequent thereto, on the grounds owned or occupied by the center, county fair board or such society for their fairs, exhibitions or other public events or meetings, shall have all the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.650 or other laws of this state, or the rules or regulations of the center, county fair board or such society. [Amended by 1953 c.675 §12; 1969 c.239 §8; 1973 c.537 §11]

565.650 Justices of the peace given jurisdiction. Justices of the peace shall have jurisdiction of all offenses against the provisions of ORS 565.610 to 565.640.

PENALTIES

565.990 Penalties. (1) Violation of ORS 565.610 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100. Any person who, after conviction and fine for a violation of ORS 565.610, repeats the offense shall, upon conviction, be fined double

the maximum amount imposed by this subsection for the first violation.

(2) Violation of ORS 565.620 is punishable, upon conviction, by a fine of not less than \$5 nor more than \$10.
