

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF COLUMBIA, OREGON

In the Matter of Adopting the Columbia)
County Livestock at Large Nuisance) ORDINANCE NO. 2019-6
Ordinance)

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 2019-6, the “Columbia County Livestock at Large Nuisance Ordinance.”

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035 and ORS 203.065.

SECTION 3. PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of residents of Columbia County by declaring livestock at large in the closed range livestock district in the unincorporated areas of Columbia County to be a nuisance. This Ordinance authorizes the Animal Control Officer and other authorized persons in the County to issue citations for violation of this Ordinance and seize, impound and dispose of livestock found to be at large. This Ordinance shall be liberally construed and interpreted to give full effect to that policy and purpose.

SECTION 4. SCOPE

This Ordinance shall apply in the closed range livestock district in the unincorporated areas of Columbia County as provided in this Ordinance.

SECTION 5. ADOPTION

The “Columbia County Livestock at Large Nuisance Ordinance” which is attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby adopted.

SECTION 6. SEVERABILITY

If any provision of this Ordinance, including Exhibit "A," is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 7. SCRIVENER'S ERRORS

Any scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

SECTION 8. EMERGENCY CLAUSE

This Ordinance, being immediately necessary for the health, safety and welfare of residents of Columbia County, an emergency is declared to exist, and it shall become effective immediately upon its adoption.

DATED this 30th day of October, 2019.

Approved as to Form

By: [Signature]
Office of County Counsel

By: [Signature]
Jacyn Normine, Recording Secretary

First Reading: 10:09 am

Second Reading: 10:10 am

Effective Date: 10/30/19

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Henry Heimuller, Chair

By: [Signature]
Margaret Magruder, Commissioner

By: [Signature]
Alex Tardif, Commissioner

EXHIBIT A
COLUMBIA COUNTY LIVESTOCK AT LARGE NUISANCE ORDINANCE

SECTION 1. APPLICABILITY

- A. This Ordinance applies in the closed range livestock district in unincorporated areas of Columbia County. Except as provided in B, below, all of unincorporated Columbia County, Oregon is a livestock district wherein it is unlawful to permit livestock to run at large.
- B. This Ordinance does not apply to the following:
1. Land in open range livestock districts as described in Paragraphs 2-6 in the State Department of Agriculture Order dated February 4th, 1958, which is attached hereto as Exhibit 1, and is incorporated herein by this reference, and as shown in the map which is attached hereto as Exhibit 2, and is incorporated herein by this reference;
 2. Land entirely enclosed by federal land, unless otherwise provided by the laws or regulations of the United States; and
 3. Public roads that pass through federal land, unless otherwise provided by the laws or regulations of the United States.

SECTION 2. PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of residents of Columbia County by declaring livestock at large in Columbia County to be a nuisance. This Ordinance authorizes the Animal Control Officer and other authorized persons in the County to issue citations for violation of this Ordinance and seize, impound and dispose of livestock found to be at large. This Ordinance shall be liberally construed and interpreted to give full effect to that policy and purpose.

SECTION 3. DEFINITIONS

For the purpose of this Ordinance, the following terms are hereby defined, unless the context requires otherwise:

- A. "Animal Control Officer" means the Columbia County Animal Control Officer or authorized persons designated in the Columbia County Enforcement Ordinance to

enforce this Ordinance.

- B. "At Large" means livestock that goes upon the land of another in a closed range livestock district without consent of the landowner or other person authorized to consent to use of the land.
- C. "Board" means the Board of County Commissioner for Columbia County, Oregon.
- D. "Closed range livestock district" means all of unincorporated Columbia County except areas set forth in Section 1.B. of this Ordinance.
- E. "Livestock" means animals of the bovine species, horses, mules, asses, sheep, goats, swine, llamas, alpacas, poultry and rabbits.
- F. "Open range livestock district" means unincorporated areas of Columbia County wherein it is lawful to permit livestock to run at large.
- G. "Owner" means any person with an ownership and/or possessory interest in livestock; any person that boards, cares for or otherwise acts as custodian of livestock; any person with an ownership and/or possessory interest in land where livestock resides that permit a violation of this Ordinance to occur or continue. "Owner" includes, but is not limited to, livestock owners, landowners, landlords, lessors, lessees, and occupants of land where livestock resides.
- H. "Permit" means to engage in conduct that is intentional, deliberate, careless, inadvertent or negligent in relationship to controlling livestock.
- I. "Person" means any natural person, association, partnership, firm, charitable organization, corporation or similar entity.
- J. "Poultry" means chickens, ducks, geese, turkeys and all other domesticated fowl or birds.

SECTION 4. LIVESTOCK AT LARGE IS PROHIBITED AND DECLARED A NUISANCE

No Owner shall permit livestock to be at large. An Owner shall be in violation of this Ordinance if the Owner permits livestock to be at large. Livestock at large is hereby declared a nuisance.

SECTION 5. ENFORCEMENT OF VIOLATIONS

A. Enforcement Authority:

This Ordinance shall be enforceable under the procedures prescribed herein and the Columbia County Enforcement Ordinance.

B. Enforcement is Permissive, Not Mandatory:

Enforcement of this Ordinance is permissive, not mandatory, and is within the discretion of the Animal Control Officer and the Board.

C. Impoundment:

1. The Animal Control Officer may seize and impound livestock if the officer has probable cause to believe that the livestock is at large.
2. The Animal Control Officer may use reasonable efforts to restrain and impound the at large livestock, and protect persons, other animals and property from damage from livestock.
3. The Animal Control Officer shall maintain an inventory and record of impounded livestock. The record shall include:
 - a. A basic description of the livestock, impoundment date, grounds for impoundment and circumstances of the impoundment;
 - b. All evidence collected related to the determination that the livestock was at large; and
 - c. The date the Notice of Impoundment was sent to the owner of the livestock and subsequent disposition of the livestock.
4. The Animal Control Officer may, in the officer's discretion, transfer possession of impounded livestock to a foster or other care provider for boarding and care of the livestock on behalf of the County. The County shall maintain guardianship of the livestock until the County provides for the disposition of the livestock.

The County may pay a foster or other care provider a reasonable amount for

boarding and caring for the livestock.

D. Citations:

In addition to the impoundment procedures set forth in this Ordinance, the Animal Control Officer may use the enforcement procedures, including, but not limited to the issuance of citations and imposition of penalties, set forth in the Columbia County Enforcement Ordinance.

E. Penalties:

1. Owners found in violation of this Ordinance are subject to the penalties prescribed in the Columbia County Enforcement Ordinance.
2. Owners shall be jointly and severally liable for each violation of this Ordinance.

SECTION 6. NOTICE AND APPEALS PROCESS

A. Notice of Impoundment:

1. The Animal Control Officer shall expeditiously make reasonable effort to identify the owner of the livestock by the following means:
 - a. Requesting investigation by the Oregon Department of Agriculture if the livestock is branded;
 - b. Inquiring of residents in the area of the impoundment reasonably expected to have information about ownership of the livestock;
 - c. Reviewing County animal control records; and
 - d. Any other means that is reasonably likely to discover the owner of the livestock.
2. If the Animal Control Officer is unable to determine the owner of the livestock, the Animal Control Officer shall no later than 10 days after impoundment, publish Notice of Impoundment in a newspaper of general circulation in the County. Notice shall be published two times consecutively. The Notice of Impoundment shall include:

- a. A description of the location of the premises, by street address or otherwise, where the livestock was impounded;
- b. A statement that the livestock was impounded for violating this Ordinance;
- c. A concise description of the livestock, including marks and brands, if any;
- d. The date that the animal was impounded;
- e. A statement that the owner is responsible for cost of impounding, boarding and care for the livestock and penalties for each violation of this Ordinance;
- f. Identify the presumptive fines for each violation of this Ordinance and state that violations of this Ordinance is enforceable through the impoundment procedures in this Ordinance and enforcement procedures in the Columbia County Enforcement Ordinance;
- g. A statement that the owner may dispute impoundment by timely submitting a written appeal request for a hearing, which must be received by the Board no later than fourteen (14) calendar days from the date of the last publication of the Notice of Impoundment;
- h. A statement that a request for a hearing must include the requestor's name and contact information, including a mailing address and phone number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention;
- i. A statement that failure to request a hearing in a timely manner will result in a conclusive presumption that a nuisance exists pursuant to this Ordinance;
- j. A statement that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment; and

- k. A statement that if the owner of the livestock appears prior to the County disposition of the livestock, the County shall deliver the animal to the owner if the owner pays the County costs and presumptive fines as provided for under this Ordinance and provides satisfactory evidence that the owner has or will implement reasonable measures to prevent further violation of this Ordinance.
3. If the Animal Control Officer has identified the owner of the livestock, the Animal Control Officer shall no later than five days after identifying the owner, send Notice of Impoundment to the owner by certified or registered mail and by first class, postage prepaid, addressed to the owner at the owner's address of record in the County. The Notice of Impoundment shall include:
 - a. A description of the location of the premises, by street address or otherwise, where the nuisance was observed;
 - b. A statement that the livestock was impounded for violating this Ordinance;
 - c. A concise description of the livestock, including marks and brands, if any;
 - d. The date that the animal was impounded;
 - e. A statement that the owner is responsible for cost of impounding, boarding and care for the livestock and penalties for each violation of this Ordinance;
 - f. Identify the presumptive fines for each violation of this Ordinance and state that violations of this Ordinance is enforceable through the impoundment procedures in this Ordinance and enforcement procedures in the Columbia County Enforcement Ordinance;
 - g. A statement that the owner may dispute impoundment by timely submitting a written appeal request for a hearing, which must be received by the Board no later than fourteen (14) calendar days from the date of the Notice of Impoundment;
 - h. A statement that a request for a hearing must include the requestor's name and contact information, including a mailing address and phone

number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention;

- i. A statement that failure to request a hearing in a timely manner will result in a conclusive presumption that a nuisance exists pursuant to this Ordinance;
- j. A statement that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment; and
- k. A statement that if the owner of the livestock appears prior to the County disposition of the livestock, the County shall deliver the animal to the owner if the owner pay the County costs, and provides satisfactory evidence that the owner has or will implement reasonable measures to prevent further violation of this Ordinance.

4. To provide notice to potential lien holders or other persons having an interest in the livestock, the Animal Control Officer shall:

- a. Provide a Notice of Impoundment, in substantially the same form as provided above, to any known lien or other interest holder;
- b. Publish a Notice of Impoundment, in substantially the same form as provided above in a newspaper of general circulation in the County two times in consecutive publications; and
- c. Give notice by any other means reasonably likely to notify a lien or other interest holder.

B. Request for Hearing:

- 1. An owner of the livestock and/or other person with a lien or other interest holder may dispute the Animal Control Officer's finding of a violation of this Ordinance and impoundment by timely submitting a written request for a hearing to the Board of County Commissioners, 230 Strand Street, Room 338, St. Helens, Oregon 97051. The request for a hearing must be received by the Board no later than fourteen (14) calendar days from the date of the

Notice of Impoundment or last publication of the Notice of Impoundment. If the fourteenth calendar day after the notice falls on a weekend, legal holiday, or a day the Columbia County Courthouse is otherwise closed, the written request for a hearing shall be timely if received by the Board on the next business day.

2. The written request for a hearing must include the requestor's name and contact information, including a mailing address and phone number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention.
3. If the person requesting a hearing is a lien or other interest holder the written request for a hearing must include the basis for such interest in the livestock with evidence to establish the interest.

C. Presumption of a Nuisance:

Failure to make a timely request for a hearing to dispute the Animal Control Officer's determination of a violation of this Ordinance and impoundment of livestock shall result in a conclusive presumption that a nuisance exists pursuant to this Ordinance and that the livestock owner and/or lien or other interest holder is conclusively presumed to have admitted that a nuisance exists pursuant to this Ordinance.

D. Notice of Hearing:

1. If the livestock owner and/or lien or other interest holder makes a timely written request for a hearing, the Board shall issue and serve a Hearing Notice as follows:
 - a. The Hearing Notice shall require appearance before the Board at the time and place specified in the Hearing Notice, to show cause why a nuisance should not be declared to exist and
 - b. The Hearing Notice shall state that failure to appear at the hearing shall constitute an admission that a nuisance exists and that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment, unless the livestock owner and/or lien or other interest holder appears at the

hearing and a finding is made that no nuisance existed to support the impoundment.

2. Time of Hearing:

The time for the hearing shall be not less than ten (10) days after the service of the Hearing Notice.

3. Service of Hearing Notice:

Service of the Hearing Notice shall be made by certified or registered mail, return receipt requested, and by first class mail, postage prepaid, to the address or addresses provided. In addition the Hearing Notice shall be posted on the premises where the livestock owner resides, if possible. If no contact information was provided in the request for hearing, the County shall mail the Hearing Notice to the last known address of the livestock owner and/or lien or other interest holder. If the Hearing Notice is returned or refused, the livestock owner and/or lien or other interest holder will be deemed to have withdrawn the request for a hearing.

E. Hearing.

1. At the time and place specified in the Hearing Notice, the Board shall hold a hearing to determine whether a nuisance exists. It shall be the County's burden to establish by a preponderance of the evidence that a nuisance existed under this Ordinance. The rules of evidence shall not apply. The Board's decision shall be in writing and shall be mailed to the owner. The Board's written decision is final.
2. If after hearing evidence and testimony the Board determines by a preponderance of the evidence that a nuisance existed the Board shall determine the appropriate fine, including all costs incurred by the County and the base fine under the Enforcement Ordinance. In addition, the Board may require that reasonable measures be taken to secure the livestock on Owner's property. Upon payment of the fine and compliance with all other measures the County will release the impounded livestock within 48 hours.
3. If after hearing evidence and testimony the Board determines that a nuisance did not exist, the County will release the impounded livestock within 48 hours.

F. Appeal of Board Decision:

An appellant's sole remedy on appeal is writ of review pursuant to ORS 34.010 to 34.102.

SECTION 7. COUNTY DISPOSITION OF IMPOUNDED LIVESTOCK

- A. If the County is unable to determine in a timely manner the owner of the livestock or if the known owner of the livestock does not appear in response to the Notice of Impoundment or Notice of Hearing under Section 6.A. or Section 6.D., respectively, of this Ordinance, the County may dispose of the livestock as provided in this Ordinance.
- B. The County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment.
- C. Once livestock is sold or adopted, buyer or adopter shall become the owner of the livestock.
- D. The County and its officers, agents, and employees shall not be held responsible or liable for any damages arising out of the disposition of impounded livestock.

E. Methods of Disposition:

- 1. Disposition of livestock at large by the County may be made through public sale, adoption or humane euthanasia.
- 2. The County may humanely euthanize livestock when the Animal Control Officer determines that the livestock cannot be safely impounded.
- 3. The County may humanely euthanize impounded livestock when a veterinarian recommends euthanasia for medical reasons.
- 4. The County may also humanely euthanize impounded livestock when the County is unable to sell or find an adopter for the livestock within a reasonable time.

F. Public Sale:

Sale of impounded livestock shall be by public auction pursuant to rules adopted

by the Board of County Commissioners. Proceeds from the sale shall be paid first to the Animal Control Fund for the costs incurred by the County for publication, sale, transportation, feed and care, and all other reasonable costs incurred by the County. If proceeds remain they shall be paid to the County General Fund to refund all costs incurred by the County for staff time. Any proceeds remaining after reimbursement to the County shall be paid to the owner of the livestock.

EXHIBIT 1

Livestock Districts

STATE DEPARTMENT OF AGRICULTURE
State of Oregon
Agriculture Building
Salem, Oregon

Relating to:

The determination that livestock
districts exist in Columbia
County, State of Oregon

ORDER

As authorized and required by Chapter 604, Oregon Laws 1957, and more particularly Section 34 of said Act, the State Department of Agriculture held a public hearing in the County Court House, St. Helens, Oregon, on January 16, 1958, at which time testimony and evidence was received as to the existence, if any, of livestock districts in Columbia County, Oregon. As a result of such hearing, and upon advice of the District Attorney and other county officials, and the further review of all available county and other records and laws, by the State Department of Agriculture,

IT IS HEREBY DECLARED AND DETERMINED:

Paragraph No. (1). With the exception of and subject to the provisions of Paragraphs (2), (3), (4), (5), (6), (7) and (8) of this order and based on an election held in Columbia County in November 1916, all of Columbia County, Oregon is a livestock district wherein it is unlawful to permit livestock (as defined by Chapter 604, Oregon Laws, 1957) to run at large.

Paragraph No. (2). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Vernonia Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of Section 18, Township 5 North, Range 5 West of the Willamette Meridian, thence east 4 miles to the SW corner of sec 11, T5N, R5W WM, thence north 1 mile to the NW corner of said section 11, thence east approximately 5 1/2 miles to the intersection of the north section line of section 10, T5N, R4W, WM, with the Nehalem River, thence in a southerly direction along the center line of the Nahalem River to a point which is approximately the SE corner of section 22, T5N, R4W, W.M., said point being the intersection of the Nahalem River and said section 22, thence west 9 miles to the SW corner of section 20, T5N, R5W, W.M., thence south 3 miles to the SE corner of section 6, T4N, R5W, WM., thence west 1 mile to the SW corner of said section 6, which is the westerly boundary of Columbia County, thence north 5 miles along the westerly boundary line of Columbia County to the place of beginning."

Paragraph No. (3). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Pebble Creek Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of section 20, T4N, R4W, W.M., thence east to the NW corner of section 20, T4N, R4W, W.M., thence south to the SE corner of section 29, T4N, R4W, W.M., thence east 1 mile to the SW corner of section 27, T4N, R4W, W.M., thence north 1 mile to the NW corner of section 27, T4N, R4W, W.M., thence east 1 mile to the SE corner of section 27, T4N, R4W, W.M., thence north 2 1/2 miles to the quarter corner common to section 10 and 11, T4N, R4W, W.M. thence easterly along center line of section 11 to the quarter corner common to sections 11 and 12, T4N, R4W, W.M., thence south 4 1/2 miles to the SE corner of section 35 T4N, R4W, W.M., thence west along the south line of Columbia County 3 1/2 miles to the quarter corner on the south line of section 32, T4N, R4W, W.M. thence north along center line of said section 32 to the quarter corner common to sections 29 and 32 T4N, R4W, W.M., thence west to the SW corner of section 29, T4N, R4W, W.M. thence

north 2 miles to the place of beginning."

Paragraph No. (4). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Apiary Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of section 7 T6N, R3W, W.M., thence east 2 1/4 miles to the SW corner of the SE 1/4 of the SW 1/4 of section 4 T6N, R3W, W.M., thence north 3/4 of a mile to the center of the NW 1/4 of said section 4, thence west 1/4 mile to the section line common to sections 4 and 5 T6N, R3W, W.M., thence north 1/4 mile to the NW corner of said section 4, thence east 1 mile to the NE corner of said section 4, thence south 5 miles to the SE corner of section 28 T6N, R3W, W.M., thence west 3 miles to the SW corner of section 30 T6N, R3W, W.M., thence north 4 miles to the place of beginning."

Paragraph No. (5). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"The Southeast quarter of Section 27, T7N, R3W, W.M."

Paragraph No. (6). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"The Southeast quarter of section 11 and the south half of section 12, T6N, R3W, W.M."


Paragraph No. (7). Notwithstanding Paragraphs (1) to and including Paragraph (6) of this order, and as required by Section 34 (1) (i) of Chapter 604, Oregon Laws 1957, no livestock districts exist in land subject to the laws of this state which is entirely inclosed by federal land (as defined by Chapter 604, Oregon Laws 1957), unless otherwise provided by the laws or regulations of the United States.

Paragraph No. (8). Notwithstanding Paragraphs (1) to and including Paragraph (6) of this order, and as required by Section 34 (1) (j) of Chapter 604, Oregon Laws 1957, no livestock districts exist in public roads passing through federal land (as defined by Chapter 604, Oregon Laws 1957), unless otherwise provided by the laws or regulations of the United States.


This order is to be effective as of the date it is signed.

Signed this 4th day of February 1958.

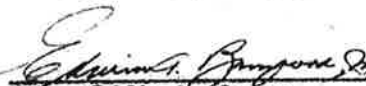
Signed:


M. E. Knickerbecker, Chief
Division of Animal Industry
State Department of Agriculture
Salem, Oregon

Signed:


Robert J. Steward, Director
State Department of Agriculture
Salem, Oregon

Subscribed and sworn to before me this 4th day of February 1958


Notary Public for Oregon
My commission expires MY COMMISSION EXPIRES OCT. 7, 1968

Chapter 604

1957 REPLACEMENT PART

Brands and Marks

DEFINITIONS; GENERAL PROVISIONS

- 604.010 "Brand" defined
- 604.020 "Brand inspection" and "brand inspection certificate" defined
- 604.030 "Brand inspector," "committee," "common carrier," "contract carrier," "department" and "director" defined
- 604.040 "Livestock," "livestock auction sale," "market agency," "memorandum brand inspection certificate," "packer" and "private carrier" defined
- 604.050 "Record of transfer," "slaughterhouse," "stockyard," "transported" and "transportation certificate" defined
- 604.060 Marking domestic animals on the ear
- 604.070 Killing unbranded or improperly branded cattle

RECORDING OF BRANDS

- 604.110 Recording brands with department; furnishing copies of brands
- 604.120 Adjustment of conflicting brands
- 604.130 Restrictions on use of brands and place of recording
- 604.140 Recording and re-recording of brands
- 604.150 Certified copy of record
- 604.160 Recorded brand as property; transfer of brands
- 604.170 Publication of brand and mark book; disposition of fees
- 604.180 Brand as prima facie evidence; proof of right to use brand
- 604.190 Recordation as requisite to admissibility of brand
- 604.200 Branding and recording brands of foxes
- 604.210 Public record of brands and marks on horses and cattle received in stockyards
- 604.220 Use of unrecorded brand
- 604.230 Use of earmarks, wool and tattoo marks

BRAND INSPECTION CERTIFICATE; TRANSPORTATION OF LIVESTOCK

- 604.310 Certificates required for transportation of livestock
- 604.320 Submitting proof of ownership or right to possession of livestock subject to brand inspection; seizure and sale of livestock upon failure to do so

- 604.322 Payment of proceeds of sale of impounded livestock to owner; settling adverse claims to proceeds; disposition of proceeds if no satisfactory claim
- 604.324 Method of proof of ownership of livestock or right to proceeds of sale
- 604.330 Taking up transportation certificates; disposition
- 604.340 Carrier to receive proper certificate before transporting livestock; delivery of certificate to consignee
- 604.350 Impounding and disposing of livestock or part believed not owned by possessor
- 604.360 Brand inspection before sale or slaughter of livestock
- 604.370 Permitting inspection
- 604.380 Making false representation
- 604.390 Brand inspection fee; payment of travel expenses for inspections not made at official station
- 604.395 Exemption from brand inspection fee
- 604.400 Collection and disposition of brand inspection fee
- 604.410 Refunding of inspection fees
- 604.420 Collecting fees in stockyards under federal jurisdiction
- 604.425 Reciprocal agreements with other states; authority with respect to livestock entering Oregon
- 604.430 Issuance and disposition of certificates

PERSONS ADMINISTERING BRANDING LAWS; JURISDICTION OF COURTS

- 604.510 The department, assisted by the Livestock Advisory Committee, to administer brand inspection laws
- 604.520 Appointment, organization and compensation of the Livestock Advisory Committee
- 604.531 Appointment, qualifications and compensation of brand inspectors
- 604.540 General powers and duties of brand inspectors and police officers
- 604.550 Jurisdiction of courts

PENALTIES

- 604.990 Penalties

CROSS REFERENCES

Alteration of brands and earmarks, 165.405
Amendments made to this chapter in 1953 not to affect existing rights, 1953 c.358 §11
Counterfeit brands, 165.185
Owners and persons in charge of livestock to assist department, 597.280
Parakeets sold or held for sale to be banded to identify breeder, 598.480
Regulation of meat dealers or slaughterers to prevent theft, Ch. 603
Sale of freshly branded range livestock prohibited, 607.345 to 607.380

Tampering with brands, 165.410

604.310

Veterinarian test for disease may be required of person moving livestock, 597.270

604.510

Administrative procedures and rules of state agencies, Ch. 183

604.520

Limitation on traveling expenses, 292.210 to 292.298

SUPERSEDED

DEFINITIONS; GENERAL PROVISIONS

604.010 "Brand" defined. (1) As used in ORS 165.405, 165.410 and 604.110 to 604.230, the term "brand" means a distinctive design made on the hide, skin or wool of:

(a) Sheep, goats, hogs, poultry or foxes in a specified location by a heated iron, tattoo, caustic chemical substance or paint.

(b) Horses, cattle or mules in a specified location by a heated iron or caustic chemical substance.

(2) As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term "brand" means a design, pattern or insignia made for the purpose of identifying livestock, either by burning it into the hide, hoofs or horns of livestock, by means of a hot iron, by the use of acid or chemicals, by tattooing in the ears or lips, by tags, flesh marks or any other means of identification. [Amended by 1957 c.287 §1]

604.020 "Brand inspection" and "brand inspection certificate" defined. As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Brand inspection" of livestock means the examination of such livestock by a brand inspector for brands, tags, flesh marks or earmarks, dewlaps, wattles, color, sex, age or any other form of identification.

(2) "Brand inspection certificate" means a written document in a form approved by the department which shall contain:

(a) The date of issuance.

(b) A description by sex, predominating breed, brands, marks or other identifying characteristics of the livestock inspected.

(c) The name of the person in possession and, if such person is not the owner, the name of the owner.

(d) The point where the shipment originated.

(e) A signed statement by the brand inspector that he has inspected the livestock and that to the best of his knowledge the person in possession is the lawful owner or such owner's agent.

(f) The destination of the shipment if the inspection is performed other than at the destination.

(g) Such other information as the department may prescribe. [Amended by 1953 c.358 §15]

604.030 "Brand inspector," "committee," "common carrier," "contract carrier," "department" and "director" defined. (1) As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(a) "Brand inspector" means a person appointed pursuant to ORS 604.531 to inspect livestock as to brands.

(b) "Committee" means the Livestock Advisory Committee.

(c) "Common carrier" means any person who transports for hire or who holds himself out to the public as willing to transport for hire, compensation or consideration by rail, motor vehicle, boat or aircraft from place to place, persons or property, or both, for those who may choose to employ him.

(d) "Contract carrier" means any person engaged in transportation by rail, motor vehicle, boat or aircraft of persons or property, or both, for compensation, under special and individual agreements, leases or other arrangements and not included in the term "common carrier" as defined in paragraph (c) of this subsection.

(2) As used in this chapter the term:

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

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

604.040 "Livestock," "livestock auction sale," "market agency," "memorandum brand inspection certificate," "packer" and "private carrier" defined. As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Livestock" means all cattle, horses, mules and asses.

(2) "Livestock auction market" means a livestock auction market licensed as such by the state.

(3) "Market agency" means any person engaged in the business of buying or selling livestock at a stockyard on a commission basis, or furnishing stockyard services.

(4) "Memorandum brand inspection certificate" is a written document in a form prescribed by the department. It shall be issued free of charge to any person purchasing livestock at a stockyard, livestock auction market or other place wherein brand inspection is required and where such brand inspection has been performed by an Oregon brand inspector. The purpose of such certificate shall be to authorize the trans-

portation of the livestock described therein either directly to a point outside this state or to a slaughter plant for immediate slaughter. It shall contain such information as the department may deem necessary to show the livestock described therein have been brand inspected but including, among other things, the destination of the livestock and the date of issuance. It shall not be valid for the authorization or transportation or slaughter for a period of more than eight days from date of issuance.

(5) "Packer" means any person engaged in the business of buying livestock for purposes of slaughter or manufacture or preparing meats or meat products for sale or shipment.

(6) "Private carrier" means any person not included in the term "common carrier" or "contract carrier," who transports by rail, motor vehicle, boat or aircraft property of which he is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment or in the furtherance of any commercial enterprise. [Amended by 1953 c.358 §15]

604.050 "Record of transfer," "slaughterhouse," "stockyard," "transported" and "transportation certificate" defined. As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Record of transfer" means a legible, dated writing which recites the transfer of ownership of certain livestock described by brands, marks and other identifying characteristics from one named person to another and which is signed by the transferor. It need not set forth the consideration for the sale if such be the case. If the transfer of ownership is subject to acceptance and payment of a check, bill of exchange, other credit instrument or is subject to any other condition, the transferor may so indicate.

(2) "Slaughterhouse" means any building, plant or establishment where animals are killed or dressed, the meat or meat products of which are to be offered for sale.

(3) "Stockyard" means any establishment where services or facilities are furnished to the public in connection with the receiving, buying or selling of livestock on a commission basis or at auction, involving any change of ownership.

(4) "Transported," "transporting" and "transportation" refer to and mean any

movement of livestock whether by common carrier, contract carrier, private carrier or on the hoof, except:

(a) Movement by the owner or person in lawful possession of livestock when drifted, herded or trailed to or from pasture or range in the regular course of ranch operation, where no change of ownership, right or interest is involved.

(b) Movement by the owner or person in lawful possession of horses for handling, herding or trailing livestock, or for racing, showing, displaying or exhibiting them and return when no change of ownership, right or interest is involved or contemplated. However, any person moving horses for racing, showing, displaying or exhibiting shall have with him at the time of such moving evidence of ownership or right to possession of such horses.

(5) "Transportation certificate" means a certificate signed by the owner or person in lawful possession of the livestock to be transported, on a form to be approved by the department, containing the following:

(a) The owner.

(b) The point of origin and the point of destination of such transportation.

(c) Description by marks, brands or other identifying characteristics of the livestock to be transported.

(d) A form for record of transfer.

(e) Such other information as the department may prescribe. [Amended by 1953 c.358 §15]

604.060 Marking domestic animals on the ear. (1) No person, in marking domestic animals on the ear, shall cut, mark or remove any part of the ear exceeding one-half.

(2) All justices of the peace have jurisdiction over violations of this section.

604.070 Killing unbranded or improperly branded cattle. No person shall kill, or cause to be killed for sale, or use, any unbranded neat cattle which during any period of the year run at large upon the public range, or any such cattle on which the brand has not peeled off and fully healed, unless such cattle have an older and recorded brand. No person shall purchase and kill, or cause to be killed, for sale or use, any such neat cattle having a brand not legally owned by such person, without having taken a duly executed and acknowledged bill of sale for them, from the owner thereof.

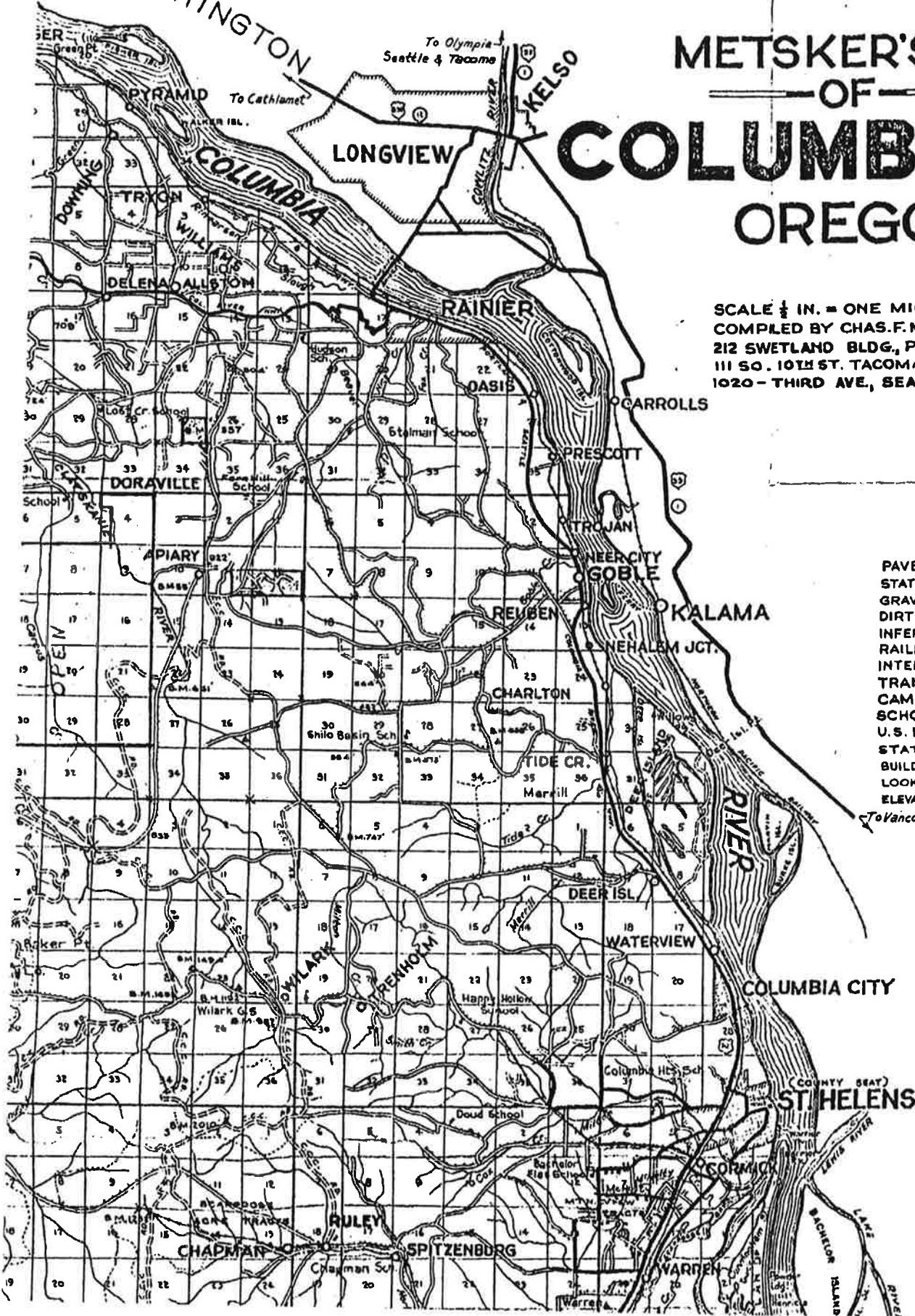
604.080 to 604.100 [Reserved for expansion]

WASHINGTON

EXHIBIT 2

METSKER'S MAP — OF — COLUMBIAC OREGON

SCALE $\frac{1}{4}$ IN. = ONE MILE
COMPILED BY CHAS. F. METSKER C.E.
212 SWETLAND BLDG., PORTLAND, ORE.
111 SO. 10TH ST. TACOMA, WASH.
1020 - THIRD AVE., SEATTLE, WASH.



- LEGEND -

- PAVED ROADS =
- STATE HWYS. NOT PAVED =
- GRAVELED ROADS =
- DIRT ROADS =
- INFERIOR ROADS =
- RAILROADS =
- INTERMITTENT CR. =
- TRAILS =
- CAMPS =
- SCHOOLS =
- U. S. HWY =
- STATE HWY. =
- BUILDINGS =
- LOOKOUTS =
- ELEVATIONS =

To Vancouver

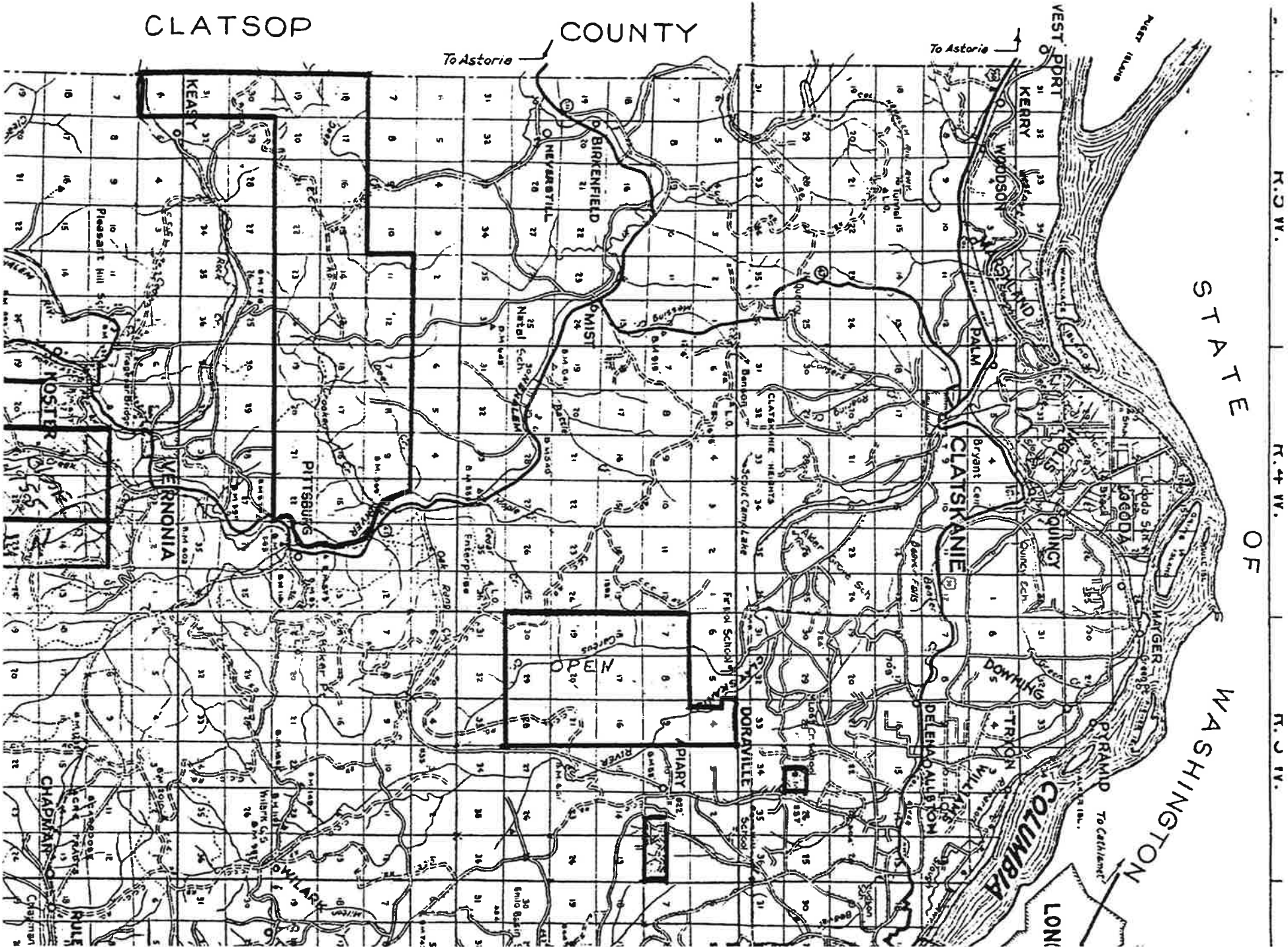


CLATSOP

COUNTY

To Astoria

To Astoria



T. 3 W.

R. 4 W.

T. 2 N.

STATE OF WASHINGTON

ASTORIA

LONGVIEW