

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 13-06

IN THE MATTER OF AMENDING  
CHAPTER 6 OF LANE CODE TO ADD  
NEW VIOLATION LEVEL OFFENSES  
(LC 6.050, LC 6.250, LC 6.255, LC 6.650)

WHEREAS, certain changes to Lane Code Chapter 6 is desired to add four new violation level offense, and

WHEREAS, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDAINS as follows:

1. Lane Code Chapter 6 is amended by removing, substituting and adding the following sections:

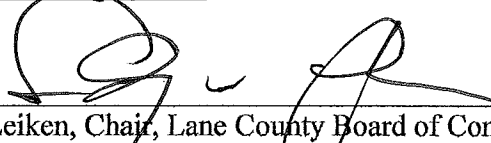
REMOVE THESE SECTIONS

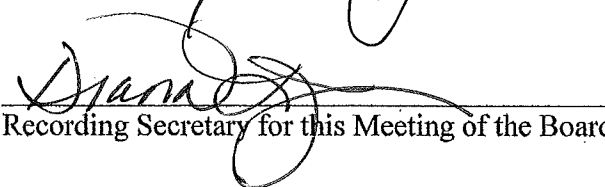
INSERT THESE SECTIONS

n/a	6.050
n/a	6.250
n/a	6.255
n/a	6.650

Amended sections are attached and incorporated herein by reference.

ENACTED this 3rd day of December, 2013.

  
\_\_\_\_\_  
Sid Leiken, Chair, Lane County Board of Commissioners

  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-28-13 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

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**Bold** indicates material being added  
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**LEGISLATIVE  
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6.040 Violation of Posted Restrictions of Use (Other Public Land).

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6.200 Littering and Penalty.

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6.300 Methods of Killing Animals in Shelters.

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- 6.900 Social Host Ordinance.

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**OFFENSES**

PROPERTY OF ANOTHER

**6.050 Entering or Remaining Unlawfully on the Property of Another.**

(1) No person shall enter or remain unlawfully in a motor vehicle or in or upon premises.

(2) Violation of LC 6.050 above is punishable upon conviction by a fine of not more than \$1,000. (Revised by Ordinance No. 13-\_\_\_\_, Effective \_\_\_\_)

DISCHARGE OF A WEAPON

**6.250 Discharging Weapon at Trees on Public or Private Timber Lands.**

(1) Except as provided in (2) below, no person shall discharge any firearm at live standing timber on public or private lands, without permission from the property owner, within the boundary of Lane County, Oregon.

(2) This code does not apply to:

(a) Police officers or military personnel in the lawful performance of their official duties;

(b) Persons lawfully defending life or property as provided in ORS 161.219;

(c) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(d) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

(3) Violation of LC 6.250 is punishable upon conviction by a fine of not more than \$1,000. (Revised by Ordinance No. 13-\_\_\_\_, Effective \_\_\_\_)

**6.255 Unsafe Discharge of a Weapon.**

(1) Except as provided in (2) below, no person shall discharge any firearm in a manner that endangers persons or property within the boundary of Lane County, Oregon.

(2) This code does not apply to:

(a) Police officers or military personnel in the lawful performance of their official duties;

(b) Persons lawfully defending life or property as provided in ORS 161.219;

(c) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(d) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or

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(e) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

(3) Violation of LC 6.255 is punishable upon conviction by a fine of not more than \$1,000. (Revised by Ordinance No. 13-\_\_\_\_, Effective \_\_\_\_.)

**UNPERMITTED TAKING**

**6.650 Unpermitted Taking or Transport of Special Forest Products.**

(1) No person shall cut or split wood into special forest products or to harvest or remove special forest products from a place unless the person has in possession a written permit to do so from the owner of the land from which the wood is cut or the products taken. The written permit required under this subsection must set forth:

(a) The date of the permit;

(b) The name, address, telephone number and signature of the person granting the permit;

(c) The name, address and telephone number of the person to whom the permit is granted;

(d) The amount and kind of wood, by species, to be cut or split or the amount and kind of special forest products to be taken;

(e) A description of the premises from which the wood is to be cut or the products taken. The description may be by legal description, tax account number or other description clearly identifying the premises; and

(f) The date of expiration of the permit.

(2) No person shall transport special forest products without possessing a permit as described in subsection (1) of this section or a document of sale showing title thereto. A document of sale must be signed by the landowner, seller or donor, and must set forth:

(a) The date of the document;

(b) The name, address and telephone number of the seller or donor of the products;

(c) The name, address and telephone number of the purchaser or donee;

(d) The amount and kind of products sold, by species; and

(e) A description of the premises from which the special forest products were taken. The description may be by legal description, tax account number or other description clearly identifying the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer in other special forest products.

(3) Any person who engages in the purchase or other acquisition of special forest products for resale, other than special forest products acquired from property owned by that person, shall keep records of such purchases or acquisitions for a period of one year from the date of purchase or acquisition. The records shall be made available to any peace officer upon request and shall reveal:

(a) The date of purchase or acquisition;

(b) The name, address, telephone number and signature of the person from whom the special forest products were obtained and the date they were obtained;

(c) The license number of any vehicle used to deliver the special forest products to the dealer for resale;

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- (d) The quantity of special forest products purchased or acquired; and
- (e) The name and address of the landowner from whose land the special forest product was harvested.
- (4) Any permit for the removal of special forest products from public lands issued by the United States Forest Service or the Bureau of Land Management is sufficient for the purposes of subsections (1) and (2) of this section, regardless of whether the permit conforms to the specific requirements as to content set forth in subsections (1) and (2) of this section.
- (5) Subsections (1) and (2) of this section do not apply to:
  - (a) The cutting or transportation of wild edible mushrooms occupying a volume at harvest of one gallon or less;
  - (b) The cutting or transportation of special forest products, as defined in subsection (6)(b)(D), (F) and (H) of this section, having a total volume of less than 27 cubic feet;
  - (c) The cutting or transportation of special forest products, other than those specified in paragraphs (a) and (b) of this subsection, having a total volume of less than 12 cubic feet;
  - (d) The cutting or transportation of coniferous trees that are subject to the provisions of ORS 164.825 (Cutting and transport of coniferous trees without permit or bill of sale);
  - (e) The cutting or transportation of special forest products by the owner of the land from which they were taken or by the owners agent; or
  - (f) The transportation of special forest products by a common carrier or contract carrier.
- (6) As used in this section:
  - (a) Harvest means to separate by cutting, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from:
    - (i) Its physical connection or point of contact with the ground or vegetation upon which it was growing; or
    - (ii) The place or position where it lay.
  - (b) Special forest products means:
    - (iii) Bear grass (*Xerophyllum tenas*), boughs, branches, ferns and other forest plant parts used in floral arrangements and decorations;
    - (iv) The bark and needles of the Pacific yew (*Taxus brevifolia*);
    - (v) Cascara bark from the cascara tree (*Rhamnus purshiana*);
    - (vi) Cedar salvage including cedar chunks, slabs, stumps and logs that are more than one cubic foot in volume;
    - (vii) Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron and salal;
    - (viii) Firewood;
    - (ix) Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown and that have been removed from the ground with the roots intact;
    - (x) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species; and

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~~(xi) Wild edible mushrooms that have not been cultivated or propagated by artificial means.~~

~~(c) Special forest products does not mean mill ends, driftwood and artificially fabricated fireplace logs.~~

~~(d) Transportation means the physical conveyance of special forest products away from a harvest site and includes, but is not limited to, transportation in or on:~~

~~(i) A motor vehicle designed for use on improved roadways;~~

~~(ii) A boat, barge, raft or other water vessel; or~~

~~(iii) An airplane, helicopter, balloon or other aircraft.~~

~~(7) Subsection (3) of this section does not apply to a person who purchases cedar products that are special forest products and who complies with the record keeping requirements of ORS 165.109 (Failing to maintain a cedar purchase record).~~

~~(8) Violation of LC 6.650 above is punishable upon conviction by a fine of not more than \$1,000. (Revised by Ordinance No. 13- , Effective )~~

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- 6.997 Rewards.

## Chapter 6

## OFFENSES

## PROPERTY OF ANOTHER

**6.050 Entering or Remaining Unlawfully on the Property of Another.**

(1) No person shall enter or remain unlawfully in a motor vehicle or in or upon premises.

(2) Violation of LC 6.050 above is punishable upon conviction by a fine of not more than \$1,000. *(Revised by Ordinance No. 13-\_\_\_, Effective \_\_\_)*

## DISCHARGE OF A WEAPON

**6.250 Discharging Weapon at Trees on Public or Private Timber Lands.**

(1) Except as provided in (2) below, no person shall discharge any firearm at live standing timber on public or private lands, without permission from the property owner, within the boundary of Lane County, Oregon.

(2) This code does not apply to:

(a) Police officers or military personnel in the lawful performance of their official duties;

(b) Persons lawfully defending life or property as provided in ORS 161.219;

(c) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(d) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

(3) Violation of LC 6.250 is punishable upon conviction by a fine of not more than \$1,000. *(Revised by Ordinance No. 13-\_\_\_, Effective \_\_\_)*

**6.255 Unsafe Discharge of a Weapon.**

(1) Except as provided in (2) below, no person shall discharge any firearm in a manner that endangers persons or property within the boundary of Lane County, Oregon.

(2) This code does not apply to:

(a) Police officers or military personnel in the lawful performance of their official duties;

(b) Persons lawfully defending life or property as provided in ORS 161.219;

(c) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(d) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

(3) Violation of LC 6.255 is punishable upon conviction by a fine of not more than \$1,000. (Revised by Ordinance No. 13-\_\_\_, Effective \_\_\_)

### UNPERMITTED TAKING

#### 6.650 Unpermitted Taking or Transport of Special Forest Products.

(1) No person shall cut or split wood into special forest products or to harvest or remove special forest products from a place unless the person has in possession a written permit to do so from the owner of the land from which the wood is cut or the products taken. The written permit required under this subsection must set forth:

- (a) The date of the permit;
- (b) The name, address, telephone number and signature of the person granting the permit;
- (c) The name, address and telephone number of the person to whom the permit is granted;
- (d) The amount and kind of wood, by species, to be cut or split or the amount and kind of special forest products to be taken;
- (e) A description of the premises from which the wood is to be cut or the products taken. The description may be by legal description, tax account number or other description clearly identifying the premises; and
- (f) The date of expiration of the permit.

(2) No person shall transport special forest products without possessing a permit as described in subsection (1) of this section or a document of sale showing title thereto. A document of sale must be signed by the landowner, seller or donor, and must set forth:

- (a) The date of the document;
- (b) The name, address and telephone number of the seller or donor of the products;
- (c) The name, address and telephone number of the purchaser or donee;
- (d) The amount and kind of products sold, by species; and
- (e) A description of the premises from which the special forest products were taken. The description may be by legal description, tax account number or other description clearly identifying the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer in other special forest products.

(3) Any person who engages in the purchase or other acquisition of special forest products for resale, other than special forest products acquired from property owned by that person, shall keep records of such purchases or acquisitions for a period of one year from the date of purchase or acquisition. The records shall be made available to any peace officer upon request and shall reveal:

- (a) The date of purchase or acquisition;
- (b) The name, address, telephone number and signature of the person from whom the special forest products were obtained and the date they were obtained;
- (c) The license number of any vehicle used to deliver the special forest products to the dealer for resale;
- (d) The quantity of special forest products purchased or acquired; and
- (e) The name and address of the landowner from whose land the special forest product was harvested.

(4) Any permit for the removal of special forest products from public lands issued by the United States Forest Service or the Bureau of Land Management is sufficient for the purposes of subsections (1) and (2) of this section, regardless of whether

the permit conforms to the specific requirements as to content set forth in subsections (1) and (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to:

(a) The cutting or transportation of wild edible mushrooms occupying a volume at harvest of one gallon or less;

(b) The cutting or transportation of special forest products, as defined in subsection (6)(b)(D), (F) and (H) of this section, having a total volume of less than 27 cubic feet;

(c) The cutting or transportation of special forest products, other than those specified in paragraphs (a) and (b) of this subsection, having a total volume of less than 12 cubic feet;

(d) The cutting or transportation of coniferous trees that are subject to the provisions of ORS 164.825 (Cutting and transport of coniferous trees without permit or bill of sale);

(e) The cutting or transportation of special forest products by the owner of the land from which they were taken or by the owners agent; or

(f) The transportation of special forest products by a common carrier or contract carrier.

(6) As used in this section:

(a) Harvest means to separate by cutting, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from:

(i) Its physical connection or point of contact with the ground or vegetation upon which it was growing; or

(ii) The place or position where it lay.

(b) Special forest products means:

(iii) Bear grass (*Xerophyllum tenax*), boughs, branches, ferns and other forest plant parts used in floral arrangements and decorations;

(iv) The bark and needles of the Pacific yew (*Taxus brevifolia*);

(v) Cascara bark from the cascara tree (*Rhamnus purshiana*);

(vi) Cedar salvage including cedar chunks, slabs, stumps and logs that are more than one cubic foot in volume;

(vii) Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron and salal;

(viii) Firewood;

(ix) Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown and that have been removed from the ground with the roots intact;

(x) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species; and

(xi) Wild edible mushrooms that have not been cultivated or propagated by artificial means.

(c) Special forest products does not mean mill ends, driftwood and artificially fabricated fireplace logs.

(d) Transportation means the physical conveyance of special forest products away from a harvest site and includes, but is not limited to, transportation in or on:

(i) A motor vehicle designed for use on improved roadways;

(ii) A boat, barge, raft or other water vessel; or

(iii) An airplane, helicopter, balloon or other aircraft.

(7) Subsection (3) of this section does not apply to a person who purchases cedar products that are special forest products and who complies with the record keeping requirements of ORS 165.109 (Failing to maintain a cedar purchase record).

(8) Violation of LC 6.650 above is punishable upon conviction by a fine of not more than \$1,000. (*Revised by Ordinance No. 13-\_\_\_, Effective \_\_\_*)