

ORDINANCE NO. 33

AN ORDINANCE REPEALING ORDINANCE NO. 5 PASSED BY THE CITY OF DUNES CITY ON THE SECOND DAY OF MARCH, 1964 ALLOWING HUNTING WITHIN THE CITY OF DUNES CITY, LANE COUNTY, OREGON.

THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

SECTION I. Ordinance No. 5, passed by the City Council of the City of Dunes City, Lane County, Oregon on March 2, 1964, allowing hunting in the City of Dunes City in derogation of ORS 498.115, subsection (2) (b), is hereby repealed in all particulars, and said ORS 498.115 is hereby declared to apply in its entirety within the corporate limits of the City of Dunes City, and is hereby adopted in all particulars except as deleted by Section II. of this ordinance.

SECTION II. The provisions of ORS 498.115 making unlawful the trapping of any wild furbearing animals and hunting pigeons, ducks and crows with a shotgun within the said city limits pursuant to the authority granted by ORS 498.115, section (1) (b) are hereby declared not to be applicable within the corporate limits of the City of Dunes City.

SECTION III. This ordinance is intended to make all of the provisions of ORS 498.115 fully applicable within the city limits of the City of Dunes City, except that it is lawful to trap furbearing animals and hunt pigeons, ducks and crows with a shotgun in accordance with the legal provisions therefore established in other appropriate ORS chapters.

Passed by the Council this 14th day of September, 1970


Doris Cockeram, Recorder

Approved this 14th day of September, 1970


Bernard W. LaForge, Mayor

Repealed
by #100

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provision of the wildlife laws or any rule promulgated pursuant thereto.
[1973 c.723 §78]

498.035 [Repealed by 1969 c.352 §5]

498.036 Possession in field of skinned or plucked wildlife prohibited. Except as the commission by rule may provide otherwise, no person shall possess in the field or forest, or in transit from the field or forest, the carcass of any wildlife that has been skinned, plucked or mutilated in any manner so that the sex, size or species of the wildlife cannot be determined.

1973 c.723 §79]

498.040 [Repealed by 1969 c.352 §5]

498.041 [1965 c.507 §2, 3, 4; repealed by 1973 c.723 §130]

498.042 Removal of parts of wildlife and waste of wildlife prohibited. (1) No person shall remove from the carcass of any game mammal or game bird, the head, antlers, horns, hide or plumage, and utilize only those parts so removed, except:

(a) When engaged in lawful trapping activities.

(b) When utilizing those game mammals or game birds that the commission by rule declares to be inedible.

(2) No person shall waste any edible portion of any game mammal, game bird or game fish or the pelt of any fur-bearing mammal.

[1973 c.723 §80]

498.045 [Repealed by 1973 c.723 §130]

498.046 Making toxic substances accessible to wildlife prohibited. No person shall place any toxic substance where it is accessible to wildlife unless the substance used and the method of application is approved by the state governmental agencies having authority to prescribe or implement environmental control programs.

[1973 c.723 §81]

498.050 [Amended by 1965 c.507 §5; repealed by 1973 c.723 §130]

498.052 Releasing domestically raised or imported wildlife without permit prohibited. No person shall release within this state any domestically raised wildlife or wildlife brought to this state from any place outside this state unless he first obtains a permit therefor from the commission.

[1973 c.723 §82]

498.055 [Repealed by 1973 c.723 §130]

498.060 [Amended by 1961 c.269 §1; repealed by 1969 c.60 §1]

498.065 [Amended by 1963 c.196 §2; 1961 c.269 §2; repealed by 1969 c.60 §1]

498.070 [Repealed by 1969 c.60 §1]

498.075 [Repealed by 1969 c.60 §1]

498.080 [Repealed by 1969 c.60 §1]

498.085 [Repealed by 1973 c.723 §130]

498.090 [Repealed by 1965 c.162 §1]

498.095 [Amended by 1967 c.166 §2; 1971 c.517 §2; repealed by 1973 c.723 §130]

498.100 [Amended by 1967 c.523 §12; 1967 c.594 §4; repealed by 1973 c.723 §130]

HUNTING AND TRAPPING RESTRICTIONS

498.102 Use of dogs to hunt or track game mammals or birds. (1) Any dog that is not wearing a collar with a license number thereon in compliance with ORS 609.100 that is found unlawfully hunting, running or tracking any game mammal or game bird may be killed at such time by any person authorized to enforce the wildlife laws.

(2) If a dog that is found unlawfully hunting, running or tracking any game mammal or game bird is wearing a collar with a license number thereon in compliance with ORS 609.100, the owner of the dog shall be notified by any person authorized to enforce the wildlife laws. If the owner or reputed owner of the dog disclaims ownership of the dog, the dog may be killed at such time by a person authorized to enforce the wildlife laws.

(3) If the owner of a dog has been notified that the dog has been found unlawfully hunting, running or tracking game mammals or game birds and thereafter fails to prevent the dog from unlawfully hunting, running or tracking game mammals or game birds, such dog may be killed by any person authorized to enforce the wildlife laws.

(4) No person shall permit any dog he owns to unlawfully hunt, run or track any game mammal or game bird.

[1973 c.723 §84]

498.105 [Repealed by 1973 c.723 §130]

498.106 Competitive field trials for hunting dogs. Competitive field trials for hunting dogs may be held at such times and places and under such conditions as the commission may prescribe by rule.

[1973 c.723 §85]

498.110 [Amended by 1953 c.157 §2; repealed by 1973 c.723 §130]

498.112 Use of live birds for competitive shooting prohibited. No person shall use any live bird as a target for the purpose of competitive shooting.
[1973 c.723 §96]

498.118 [Amended by 1963 c.178 §2; repealed by 1973 c.723 §130]

498.120 Hunting on another's cultivated or inclosed land. (1) No person shall hunt upon the cultivated or inclosed land of another without first obtaining permission from the owner or lawful occupant thereof, or the agent of such owner or occupant. No prosecution shall be commenced under this section except upon written complaint filed with a magistrate. The complaint shall be verified by the oath of the owner or lawful occupant of the cultivated or inclosed land, or the agent of such owner or occupant.

(2) For the purpose of subsection (1) of this section, the boundaries of "inclosed" land may be indicated by wire, ditch, hedge, fence, water or by any visible or distinctive lines that indicate a separation from the surrounding or contiguous territory, and includes the established and posted boundaries of Indian reservations established by treaties of the United States and the various Indian tribes.
[Amended by 1969 c.318 §1; 1971 c.580 §1; 1973 c.723 §83]

498.125 [Repealed by 1973 c.723 §130]

498.126 Hunting game mammals or birds from aircraft prohibited. (1) No person shall hunt game mammals or game birds from or with the aid of an aircraft, or transmit from an aircraft to a person not in the aircraft information regarding the location of any game mammals or game birds.

(2) No person shall hunt any game mammal within two hours after having been transported by helicopter to or from any place other than a place designated by the commission.

(3) Every pilot shall maintain a log book that shows the point of departure, point of destination and date of each flight that he makes in a helicopter within this state to transport a person to or from any place to hunt.

[1973 c.723 §87]

498.130 [Repealed by 1973 c.723 §130]

498.132 [1963 c.184 §3; repealed by 1973 c.723 §130]

498.135 [Repealed by 1973 c.723 §130]

498.136 Hunting from motor-propelled vehicle restricted. (1) Except as provided in subsection (2) of this section, no person shall hunt wildlife from a motor-propelled vehicle.

(2) The commission, by rule, may authorize hunting from a motor-propelled vehicle by a person who is permanently disabled from walking or for the purpose of alleviating damage by wildlife to other resources.

[1973 c.723 §98]

498.140 [Amended by 1955 c.64 §1; 1961 c.122 §1; repealed by 1973 c.723 §130]

498.142 Hunting with artificial light restricted. (1) Except as provided in subsection (2) of this section, no person shall hunt wildlife with the aid of any artificial light.

(2) The commission, by rule, may authorize hunting with the aid of an artificial light for the purpose of taking raccoon, opossum or bobcat or to alleviate damage by wildlife to other resources.

[1973 c.723 §88a; 1977 c.136 §3]

498.145 [Renumbered 498.272]

498.146 Shining artificial light on game mammal, predatory animal or livestock while in or near motor vehicle and while in possession of weapon restricted.

(1) No person shall cast from a motor vehicle or from within 500 feet of a motor vehicle an artificial light upon any game mammal, predatory animal or livestock while there is in his possession or in his immediate physical presence a weapon with which the game mammal, predatory animal or livestock could be killed.

(2) Subsection (1) of this section does not apply to a person who casts artificial light upon a game mammal, predatory animal or livestock:

(a) From the headlights of a motor vehicle that is being operated on a road in the usual manner, if that person makes no attempt to kill the game mammal or livestock; or

(b) When the weapon that person has in his possession or immediate physical presence is disassembled or stored, or in the trunk or storage compartment of a motor vehicle; or

(c) On land owned or lawfully occupied by that person; or

(d) On publicly owned land when that person has an agreement with the public body to use that property.

(3) As used in this section, "predatory

animal" has the meaning for that term provided in ORS 610.002.
[1973 c.542 §2; 1975 c.791 §2]

~~498.150~~ [1971 c.223 §2; repealed by 1973 c.723 §130]

498.152 Agreements restricting use of motor vehicles on certain lands. (1) The commission may enter into agreements with the owners or lawful possessors of land to restrict the operation of motor-propelled vehicles on the land when the commission determines that such operation is damaging wildlife or wildlife habitat.

(2) An agreement shall restrict the types and uses of motor-propelled vehicles on the land and shall specify the times and places that such restrictions apply.

(3) The commission shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the area to which the restrictions apply.

(4) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.
[1973 c.723 §89]

498.158 Hunting or trapping wildlife in certain governmental districts restricted. (1) Except as provided in ORS 448.305 and in subsection (2) of this section, no person shall hunt or trap any wildlife within the boundaries of any city, public park, cemetery or on any school lands.

(2) No hunting or trapping shall be allowed on any lands within the boundaries of any city, public park or on any school lands unless:

(a) The governing body or other agency that administers the affairs of the city, public park or school, after notice and hearing, authorizes such hunting or trapping by ordinance or resolution; and

(b) The commission, after notice and hearing, determines that such hunting or trapping would not adversely affect public safety or unreasonably interfere with other authorized uses of such lands.
[1973 c.723 §90]

~~498.160~~ [1971 c.223 §3; repealed by 1973 c.723 §130]

ANGLING RESTRICTIONS; FISH PROTECTIVE PROVISIONS

498.202 Limitation on value of prizes for angling contests. No person shall conduct, sponsor or participate in any competition or contest in which any prize of a retail value of more than \$50 is offered for the amount, quality, size, weight or other physical characteristic of game fish taken.
[1973 c.723 §91]

~~498.205~~ [Amended by 1973 c.723 §109; renumbered 501.400]

498.208 Use of electricity or foreign substances to take game fish prohibited. (1) Except as the commission by rule may provide otherwise, no person shall:

(a) Use in any body of water any electric current that may attract, frighten, retard, stun, kill or obstruct the movement of any game fish.

(b) Place in any body of water any foreign substance such as blood or fish offal or any gas, chemical, drug or powder that may attract, frighten, retard, stun, kill or obstruct the movement of any game fish.

(c) Use in any body of water any explosive device for the purpose of taking game fish.

(2) No person shall possess any game fish that he knows or has reason to know was taken in violation of subsection (1) of this section.
[1973 c.723 §92]

~~498.210~~ [Amended by 1973 c.723 §110; renumbered 501.405]

~~498.215~~ [Amended by 1973 c.723 §111; renumbered 501.425]

498.216 Angling from fishways restricted. Except as the commission by rule may provide otherwise, no person shall trespass upon or angle from any fishway or angle within an area of a body of water bounded by a line extending across the body of water 200 feet above the upper end of a fishway and a line across the body of water 200 feet below the lower end of a fishway.
[1973 c.723 §93]

~~498.220~~ [Repealed by 1973 c.723 §130]

498.222 Transportation or release of fish without permit prohibited. (1) No person shall:

(a) Transport any live fish unless he has first obtained a permit therefor from the commission.