

BEFORE THE BOARD OF COMMISSIONERS OF LAKE COUNTY, OREGON

An Ordinance clarifying requirements)
for fencing and trespass in an open)
range area.)

ORDINANCE NO. 36

IT IS THE FINDING OF the Lake County Board of Commissioners that the increase in rural population and farming activities requires clarification of livestock trespass and fencing requirements under Oregon's Open Range and Estray laws.

WHEREAS, the Lake County Board of Commissioners deem that Open Range is the proper grazing rule in Lake County and landowners and livestock owners must comply with Oregon laws governing Open Range and Estray Animals.

NOW, THEREFORE, the Board of County Commissioners of Lake County, Oregon ORDAIN as follows:

1. A person who permits a horse, mule, ass, sheep, goat or animal of the bovine species to trespass on land enclosed by an adequate fence and situated on open range shall be liable to the owner or lawful possessor of the enclosed land for damages done by the animal.
2. The adequacy of the fence shall be determined by reference to the practices of good husbandmen in the particular area with reference to fences. The brand inspector in the area shall be deemed qualified to judge the adequacy and condition of the fence.

An adequate barbed wire fence for purposes of this ordinance has not less than four wires with posts not more than 20 feet apart. The lower wire shall be not more than 12 inches from the ground and the space between any two wires shall not be more than 12 inches and the top wire must be at least 48 inches from the ground.

3. If any livestock shall break into any grounds enclosed by an adequate fence, the owner or manager of such livestock shall be liable to the owner of such enclosed premises for all damages sustained by such trespass.

If the trespass is repeated by neglect of the owner or manager of such livestock, he shall be for the second and every subsequent offense or trespass, be subject to double the damages of such trespass to the owner of the property.

DATED this 24th day of November, 1997.

LAKE COUNTY BOARD OF COMMISSIONERS

Robert M. Pardue
Robert M. Pardue, Chairman

Kathleen J. Collins
Kathleen J. Collins, Commissioner

Jane O'Keefe
Jane O'Keefe, Commissioner

Karen O'Connor
ATTEST: Karen O'Connor, County Clerk

