Chapter 565

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Fairs and Exhibits

GENERAL PROVISIONS

565.010 Definitions

OREGON STATE FAIR

565.021 State Fair Advisory Committee

565.030 Advisory committee functions

565.040 Oregon State Fair established

565.050 State fair purposes; use of properties; duration

565.060 Rules

565.071 Authority of Oregon State Fair and Exposition Center to require fingerprints

565.080 Management of fair property; powers and duties of director; rules; peace officers; state not liable for premiums

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

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

565.103 Issuance of lottery bonds; principal amount; disposition; legislative findings; State Fair Capital Project Fund

565.107 Oregon State Fair Account; source; uses

565.109 Acceptance and disposition of gifts, grants and donations

565.114 Legislative findings

565.116 Cooperation with nonprofit, tax exempt organizations

565.120 Licenses to do business on state fairgrounds; disposition of proceeds

565.130 Businesses that may be licensed; when other license may be required

565.140 Buildings and facilities for 4-H Clubs and Future Farmers of America

565.150 Armory on grounds of Oregon State Fair

565.160 Horse barn facilities on grounds of Oregon State Fair

565.170 Homemaking arts and crafts facility on grounds of Oregon State Fair

565.190 Financing county exhibits at state fair

COUNTY FAIRS AND SHOWS

565.210 County fairs; county fair board; members; appointment; term; bond or letter of credit

565.220 County fair board; organization; quorum; president and secretary

565.225 Removal of county fair board member

565.230 Management of county fairs; licenses; disposition of proceeds; donations of real property; agreements for limitation of liability

565.240 Rules and regulations; peace officers; appointment and powers

565.260 Fair board or agricultural society existing prior to June 4, 1913

565.265 Abolishment of county fair board

565.268 Agreements for fair association to exercise powers of county fair board

565.271 Initiation of proceedings for replacement of county fair board by fair district

565.275 Fair district; powers; district board

565.310 County fair not held; disposition of funds

565.315 Handling and disbursing of moneys in connection with county fairs; financial statement

565.325 County fair fund; purpose; source of moneys

565.330 Maintenance of fairgrounds and buildings; tax levy

COUNTY FAIR COMMISSION

565.405 "Director," "commission" defined for ORS 565.410 to 565.450

565.410 County Fair Commission; members; terms; vacancies

565.415 Compensation and expenses of commission members

565.420 Duties and powers of commission officers; quorum

565.435 Commission staff assistance; costs

565.440 Rules

565.442 County fair board annual reports

565.443 County fair annual audits; rules

565.445 County Fair Account; use of moneys

565.446 Legislative findings

565.447 Lottery proceeds allocation to County Fair Account

565.449 County Fair Account distribution

565.450 Budget preparation procedure

REGULATIONS AND LAW ENFORCEMENT AT FAIRS GENERALLY

565.610 Conducting business on or near grounds of fair or society

565.620 Admission to fairs except through special gates prohibited

565.630 Regulation of public events

565.640 Peace officers; authority; power of arrest

565.650 Justices of the peace given jurisdiction

PENALTIES

565.990 Penalties

GENERAL PROVISIONS

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

(1) "Board" means county fair board.

(2) "County court" includes board of county commissioners.

(3) "County fair" means an exhibition held for the purposes of disseminating knowledge concerning, and encouraging the growth and prosperity of, all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in a county, including the racing of animals and vehicles.

(4) "County fairgrounds" means the ground and all other property owned, leased, used or controlled by a county and devoted to the use of a county fair. [Amended by 1969 c.239 §1; 1977 c.55 §11; 1997 c.435 §1; 2005 c.777 §21]

OREGON STATE FAIR

565.015 [1977 c.55 §13; repealed by 2005 c.777 §48]

565.020 [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; 2001 c.24 §1; repealed by 2005 c.777 §48]

565.021 State Fair Advisory Committee. (1) The State Parks and Recreation Director shall appoint a State Fair Advisory Committee to provide advice and assistance to the director on matters regarding the operation of the Oregon State Fair.

(2) The advisory committee shall consist of seven members appointed by the director for four-year terms. The director shall appoint:

(a) A resident from each congressional district of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests active in state fair activities, such as agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits.

(b) Two persons to represent county fair interests. The director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.

(3) The members of the advisory committee serve at the pleasure of the director. The director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.

(4) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495, from moneys appropriated to the State Parks and Recreation Department for that purpose.

(5) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as the advisory committee determines appropriate.

(6) The advisory committee shall meet at the call of the director. [2005 c.777 §12]

Note: 565.021 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.030 Advisory committee functions. The State Fair Advisory Committee shall provide advice and assistance to the State Parks and Recreation 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. [Amended by 1977 c.55 §16; 1979 c.357 §1; 1999 c.342 §1; 2005 c.777 §22]

565.040 Oregon State Fair established. There is established a state institution to be designated and known as the Oregon State Fair, which shall be administered and operated by the State Parks and Recreation Department. [Amended by 2005 c.777 §23]

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. To this end the State Parks and Recreation Director shall operate the business and properties of the Oregon State Fair 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 fair. 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; 2005 c.777 §24]

565.060 Rules. In accordance with any applicable provision of ORS chapter 183, the State Parks and Recreation Commission may adopt rules to carry out the provisions of this chapter. [Amended by 1977 c.55 §18; 2005 c.777 §25]

565.070 [Amended by 1977 c.55 §19; 1991 c.331 §83; 1997 c.631 §496; repealed by 2005 c.777 §48]

565.071 Authority of Oregon State Fair and Exposition Center to require fingerprints. For the purpose of requesting a state or nationwide criminal records check

under ORS 181.534, the Oregon State Fair and Exposition Center may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the center;

(b) Provides services or seeks to provide services to the center as a contractor or volunteer; or

(c) Is a licensee of the center or is applying for a license, or renewal of a license, that is issued by the center; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to persons under 18 years of age, elderly persons or persons with disabilities;

(b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for sales or distribution of tickets or other instruments that can be exchanged for goods, services or access to events on center grounds;

(d) In which the person has key access to buildings and grounds that contain private property belonging or entrusted to exhibitors, promoters, licensees and event coordinators;

(e) In which the person has access to personal information about employees, licensees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information; or

(f) In which the person provides security, design or construction services for government buildings, grounds or facilities. [2005 c.730 §8]

Note: 565.071 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: The Oregon State Fair and Exposition Center was abolished by section 1, chapter 777, Oregon Laws 2005, which transferred the powers of the center to the State Parks and Recreation Department. The text of 565.071 was not amended by enactment of the Legislative Assembly to reflect the abolishment and transfer. Editorial adjustment of 565.071 for the abolishment of the Oregon State Fair and Exposition Center has not been made.

565.080 Management of fair property; powers and duties of director; rules; peace officers; state not liable for premiums. (1) The State Parks and Recreation Director shall have care of the Oregon State Fair property and be entrusted 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 Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.

(2) The director may appoint all necessary marshals to keep order on the grounds and in the buildings of the Oregon State Fair 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.

(4) The director may enter into sponsorship agreements for the receipt of moneys, services, products or other items of value. A sponsorship agreement entered into under this subsection is not subject to ORS 279.835 to 279.855 or ORS chapter 279A or 279B. [Amended by 1973 c.537 §2; 1977 c.55 §20; 1999 c.89 §1; 2003 c.794 §299; 2005 c.777 §§26,27]

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 State Parks and Recreation Department for the purposes of the Oregon State Fair are dedicated for the use of the Oregon State Fair and for other departmental programs.

(2) The department 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 Oregon State Fair and for other departmental pro-

grams. [Amended by 1973 c.537 §3; 1977 c.55 §21; 2005 c.777 §28]

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 State Parks and Recreation Director, with the approval of the State Parks and Recreation Commission 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.

(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 shall not be a general obligation of the State Parks and Recreation Department or the State of Oregon. [1985 c.675 §2; 1991 c.703 §49; 2005 c.777 §29]

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]

565.103 Issuance of lottery bonds; principal amount; disposition; legislative findings; State Fair Capital Project Fund. (1) Pursuant to ORS 286.560 to 286.580, lottery bonds may be issued to fund projects for the improvement, restoration, upgrading and preservation of systems, facilities and equipment of the Oregon State Fair.

(2) The use of lottery bond proceeds is authorized based on the following findings:

(a) The activities of the Oregon State Fair promote Oregon's agricultural industry and its products;

(b) The promotion of agricultural products expands markets, which in turn creates jobs and stimulates economic development of the industry; and

(c) The Oregon State Fair draws patrons from throughout the region and creates jobs and substantial economic activity for the Salem and Keizer areas.

(3) The aggregate principal amount of lottery bonds issued pursuant to this section may not exceed the sum of $20,167,661 and an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs. Lottery bonds issued pursuant to this section shall be issued only at the request of the State Parks and Recreation Director.

(4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the State Fair Capital Project Fund, which is hereby established in the State Treasury separate and distinct from the General Fund.

(5) The proceeds of lottery bonds issued pursuant to this section shall be used only for the purposes set forth in subsection (1) of this section and for bond-related costs. [1999 c.702 §5; 2001 c.942 §12; 2005 c.777 §30]

Note: 565.103 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 Account; source; uses. (1) The Oregon State Fair 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 pursuant 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 account and shall be available only for the purpose of retiring bond indebtedness.

(c) Moneys received by the State Parks and Recreation Director from activities conducted at the Oregon State Fair.

(d) Moneys received by the director by appropriation, gift, grant or other donation from any source or otherwise paid to the director pursuant to law. Moneys received as a result of a gift, grant or donation shall be separately accounted for within the account and shall be available only for the purpose specified in the gift, grant or donation or, if no purpose is specified, for any purpose that the State Parks and Recreation Commission determines is consistent with the intent of the donor or grantor.

(e) Interest earned on moneys received by the director as a result of a gift, grant or donation. The interest earnings shall be separately accounted for within the account and shall be available only for the purpose specified in the gift, grant or donation or, if no purpose is specified, for any purpose that the commission determines is consistent with the intent of the donor or grantor.

(2) Moneys in the account created by subsection (1) of this section are appropriated continuously to the State Parks and Recreation Department for the payment of:

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

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

(c) Principal and interest on all revenue bonds issued pursuant to ORS 565.095.

(d) Any purpose designated by the donor or grantor of a gift, grant or donation, or for any other purpose that the commission determines is consistent with the intent of the donor or grantor, to the extent of gift, grant, donation and resulting interest moneys within the account. [1985 c.675 §3; 1987 c.659 §1; 1989 c.966 §62; 1999 c.343 §3; 2005 c.777 §31]

565.109 Acceptance and disposition of gifts, grants and donations. The State Parks and Recreation Director may accept gifts, grants and donations of moneys, property or any other valuable thing on behalf of the Oregon State Fair. Unless use of moneys, property or valuable things received under this section is limited by the donor or grantor, the moneys, property or valuable thing may be used in any manner that the State Parks and Recreation Commission determines to be consistent with the intent of the donor or grantor. [1999 c.343 §1; 2005 c.777 §32]

Note: 565.109 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

565.112 [1987 c.659 §3; repealed by 2005 c.777 §48]

565.114 Legislative findings. The Legislative Assembly finds and declares that:

(1) The successful solicitation of gifts, grants and donations for the benefit of the Oregon State Fair allows the operation, improvement and maintenance of facilities or programs enjoyed by the public. The receipt of gifts, grants and donations for the benefit of the Oregon State Fair reduces the amount of public moneys that must be spent for the operation, improvement and maintenance of facilities or programs.

(2) The successful solicitation of gifts, grants and donations by a nonprofit, tax exempt organization for the benefit of the Oregon State Fair minimizes the cost to the state of obtaining those gifts, grants and donations. Cooperation between the State Parks and Recreation Department and such an organization, including the provision of tickets and other promotional items, facilities, supplies, staff and services by the department for use by such an organization in connection with fund raising efforts, serves a public purpose by increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair. [2003 c.750 §1; 2005 c.777 §33]

Note: 565.114 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.116 Cooperation with nonprofit, tax exempt organizations. (1) The State Parks and Recreation Director may cooperate with any nonprofit, tax exempt organization designated by the director as an appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(2) The director may advise and receive advice from an organization described in subsection (1) of this section. The director may, if allowed by the charter and bylaws of the organization, serve as a regular or nonvoting board member of the organization. The director may not chair the board of directors, vote for or appoint other board members, control the financial affairs of the organization or oversee the day-to-day operation of the organization.

(3) The director may provide tickets, promotional items and facilities to the organization without charge for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(4) The director may provide supplies, staff and services to the organization at cost for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(5) The director shall submit an annual accounting report to an appropriate committee of the Legislative Assembly designated by the Speaker of the House of Representatives and the President of the Senate. The report must contain a detailed description of all tickets, promotional items, facilities, supplies, staff and services provided under subsections (3) and (4) of this section, the specific disposition or application thereof made by the organization and any resulting benefit to the Oregon State Fair.

(6) The director may enter into an agreement for the donation to the Oregon State Fair of goods, services and public improvements by a nonprofit, tax exempt organization. [2003 c.750 §2; 2005 c.777 §34]

Note: 565.116 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.120 Licenses to do business on state fairgrounds; disposition of proceeds. The State Parks and Recreation Director is authorized to issue a license permitting the holder of the license to conduct any business therein named upon the grounds of the Oregon State Fair. Issuance of licenses shall be in accordance with the competitive bidding requirements of ORS 279.835 to 279.855 and ORS chapters 279A and 279B for the awarding of public contracts, to the extent those procedures are practicable. The funds arising therefrom shall become a part of the Oregon State Fair Account. [Amended by 1973 c.537 §4; 1977 c.55 §26; 1985 c.675 §6; 2003 c.794 §300; 2005 c.777 §§35,36]

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 Oregon State Fair 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 State Parks and Recreation Director is not 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 Oregon State Fair. 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; 2005 c.777 §37]

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 State Parks and Recreation Department 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 department. [1957 c.442 §1; 1959 c.52 §1; 1985 c.565 §84; 2005 c.777 §38]

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

565.150 Armory on grounds of Oregon State Fair. (1) When construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if the State Parks and Recreation Department and the General Staff of the Oregon National Guard arrive at a mutually satisfactory agreement for the use of the armory by the department, the department may, notwithstanding the provisions of ORS 565.090, permit such armory to be constructed on the grounds of the Oregon State Fair 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 department.

(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; 2005 c.777 §39]

565.160 Horse barn facilities on grounds of Oregon State Fair. (1) The State Parks and Recreation Department shall plan, construct, alter, furnish and equip horse barn facilities at the Oregon State Fair suitable for stabling horses. These facilities shall also include rest rooms suitable for public use. The department shall also plan, construct, alter, furnish and equip storm sewers on the grounds of the Oregon State Fair.

(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; 2005 c.777 §40]

565.170 Homemaking arts and crafts facility on grounds of Oregon State Fair. The State Parks and Recreation Department shall plan, construct, alter, furnish and equip on the grounds of the Oregon State Fair a facility suitable for housing exhibits and providing contest space for the homemaking arts and crafts. [1963 c.613 §1; 2005 c.777 §41]

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; county fair board; members; appointment; term; bond or letter of credit. (1) Any county may hold county and industrial fairs, but only one county fair shall be held in each county.

(2) Except as provided in ORS 565.265, in counties holding county fairs, the county court of such county shall appoint a board consisting of not less than three nor more than seven 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 may, at any time, appoint not more than four additional members, the fourth and sixth members to be appointed for a term to expire one year from the January next following appointment and the fifth and seventh members, 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 or an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 in favor of the county, conditioned upon the faithful performance of the duties of the office. The bond or letter of credit 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 or letter of credit when approved by the county court shall be filed with the county clerk. The premium on the bond or the fee for the letter of credit shall be paid for by the county fair board as an expense of the board.

(4) No more than one member of the county court may serve as a member of the county fair board.

(5) A member of a county fair board appointed under this section may be removed from office for cause as provided in ORS 565.225. [Amended by 1957 c.118 §1; 1961 c.684 §1; 1981 c.134 §1; 1985 c.716 §1; 1991 c.331 §84; 1995 c.710 §1; 1997 c.435 §2; 1997 c.631 §497; 1999 c.59 §178; 1999 c.681 §7]

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 or furnish an irrevocable letter of credit, 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; 1991 c.331 §85]

565.225 Removal of county fair board member. A member of a county fair board appointed under ORS 565.210 may be removed by the county court for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, as those terms may be defined by county ordinance. A member of the fair board shall not be removed by the county court until after the member receives a copy of a statement containing the cause for removal and a hearing on the removal is held. The statement shall be given to the member at least 10 days prior to the hearing, at which the member must have an opportunity to be heard in person or by counsel. When the county court removes a member of the fair board, a record of the proceedings, together with the cause for removal and findings thereon, shall be filed in the office of the county clerk. [1999 c.681 §2]

565.230 Management of county fairs; licenses; disposition of proceeds; donations of real property; agreements for limitation of liability. (1) The county fair 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.

(3) Donations of real property for the use of the county fair shall be made by an instrument that may be accepted for recording by a county clerk. An instrument of donation shall be recorded in the records of the county clerk where deeds are located. The donated property shall be used in compliance with the express intentions and purposes set forth in the instrument of donation.

(4) A county court may conclude that an agreement is needed to protect the county and the county court from liability relating to personnel or contractual matters. If the county court asks the county fair board to begin negotiations for an agreement, the county fair board and the county court must enter into an agreement concerning the rules, policies and procedures to be used in the conduct of fair activities for the purpose of limiting the liability of the county for personnel and contractual matters. However, if a county court determines that an agreement is unnecessary or that an existing agreement provides sufficient protection from liability, then an agreement under this subsection is not required. [Amended by 1953 c.675 §12; 1969 c.239 §4; 1969 c.693 §1; 1999 c.681 §8]

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. If there existed on June 4, 1913, a county fair board, or an agricultural society in any county holding a county fair within the county, the board shall be considered the county fair board of the county by the provisions of ORS 565.210 to 565.310, and shall be governed under the rules and bylaws already in force of the association, provided there is only one county fair held in each county. [Amended by 2005 c.22 §384]

565.265 Abolishment of county fair board. (1) As provided in this section and ORS 565.268 and 565.271, a county court may abolish the county fair board appointed under ORS 565.210.

(2) A county court may initiate proceedings to abolish the county fair board by issuing an order creating a county fair advisory committee with six members who shall all be residents of the county. Upon issuance of the order under this subsection, the county court shall appoint three members to the advisory committee and the county fair board shall appoint three members. The advisory committee shall consider the relevant issues and make recommendations concerning the abolition of the county fair board and, if abolition is recommended, the future operation of the county fair by either a fair association or a fair district. If a majority of the advisory committee agrees that abolishing the county fair board is in the best interests of the residents of the county, the advisory committee shall recommend abolition of the county fair board. If the advisory committee recommends abolition of the county fair board, the county court and the county fair board may meet to consult and negotiate concerning the future operation of the county fair and fairgrounds. If the county court and the county fair board agree that it is in the best interests of the residents of the county to have a fair association or fair district replace the county fair board, the county court may adopt a resolution that expresses the intention of the county court to abolish the county fair board, sets forth the reasons for the intended action, states that either a fair association or a fair district will replace the county fair board and declares that the abolition of the county fair board is in the best interests of the residents of the county.

(3) A resolution adopted by a county court under subsection (2) of this section must be accompanied by a resolution adopted by the county fair board that acknowledges the proposed action of the county court and declares that abolition of the county fair board is in the best interests of the residents of the county. The resolution adopted by a county fair board under this subsection must be adopted at a regular public meeting of the county fair board and filed with the county court.

(4) After adoption of the resolutions described in subsections (2) and (3) of this section, the county court shall conduct a public

hearing concerning the abolition of the county fair board at which testimony of interested persons and other evidence shall be received.

(5) Notice of the public hearing required by subsection (4) of this section shall be published twice in at least two newspapers of general circulation in the county. The first notice shall be published between the 90th day and the 60th day before the hearing. The second notice shall be published between the 30th day and the 20th day before the hearing.

(6) After the public hearing required by subsection (4) of this section, the county court shall consider the testimony given and the other evidence received at the hearing. If the county court determines that abolishing the county fair board is in the best interests of the residents of the county, the county court shall issue an order abolishing the county fair board and authorizing either the creation of a fair district or an agreement with a fair association for the purpose of managing and operating the county fair. The abolition of the county fair board shall be effective on the date specified in the order. [1999 c.681 §3; 2003 c.101 §1]

565.268 Agreements for fair association to exercise powers of county fair board. (1) As used in this section, a "fair association" means a corporation incorporated under ORS chapter 65 that has a board of directors with at least three members and that is authorized by its articles of incorporation to exercise the powers and perform the functions exercised and performed by a county fair board under ORS 565.210 to 565.310.

(2) If the order issued by a county court under ORS 565.265 authorizes an agreement with a fair association, the county court, before the abolition of the county fair board, shall enter into an agreement with a fair association for the management and operation of the county fair. Except as otherwise provided in the agreement, a fair association may exercise all of the powers and authority granted to a county fair board under ORS 565.210 to 565.310.

(3) An agreement between a county court and a fair association under this section may not provide for the conveyance or other transfer of public property to the fair association unless the public property is transferred as allowed by the laws of this state. [1999 c.681 §4]

565.270 [Repealed by 1959 c.579 §1]

565.271 Initiation of proceedings for replacement of county fair board by fair district. If the order issued by a county court under ORS 565.265 authorizes the formation of a fair district to replace the county fair board, the county court, before the abolition of the county fair board, shall initiate the formation of the fair district by order as provided in ORS 198.835. After initiation of formation proceedings as provided in this section, a fair district may be created as provided in ORS 198.705 to 198.955 and 565.275. [1999 c.681 §5]

565.275 Fair district; powers; district board. (1) A fair district may:

(a) Have and use a common seal.

(b) Sue and be sued in its name.

(c) Make and accept any and all contracts, deeds, leases, releases and documents of any kind that, in the judgment of the district board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(d) Assess, levy and collect taxes to pay the cost of acquiring sites for the county fair and constructing, reconstructing, altering, operating and maintaining the ground and all other property devoted to the use of the county fair, the expenses incurred in the business management and financial and other affairs of the county fair and any lawful claims against the district.

(e) Employ all necessary agents and assistants.

(f) Call elections after the formation of the district.

(g) Generally do any acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

(2) The officers of the district shall be a board of five members elected by the electors of the district. The district board shall be the governing body of the district and shall exercise all powers of the district.

(3) Five district board members shall be elected at the election for district formation. If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms. The district board members shall be elected at large by position number. Each district board member shall hold office until election and qualification of a successor.

(4) ORS chapter 255 governs the nomination and election of district board members and the conduct of district elections.

(5) The district board in each year shall determine and fix the amount of money to be levied and raised by taxation for the purposes of the district.

(6) A county may convey or otherwise transfer public property to a fair district as provided by law. [1999 c.681 §6; 2001 c.104 §231; 2003 c.802 §143]

565.280 [Amended by 1959 c.579 §2; 1963 c.495 §5; 1969 c.298 §15; 1981 c.134 §2; 1991 c.459 §434; repealed by 1993 c.682 §13]

565.290 [Amended by 1959 c.579 §3; 1963 c.495 §6; repealed by 1993 c.682 §13]

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 an insured institution as defined in ORS 706.008, 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; 1981 c.134 §3; 1983 c.327 §8; 1997 c.631 §498]

565.320 [Repealed by 1955 c.209 §1]

565.325 County fair fund; purpose; source of moneys. (1) Each county 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; 1997 c.435 §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 (0.0000625) of the real market 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; 1991 c.459 §435]

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]

COUNTY FAIR COMMISSION

565.405 "Director," "commission" defined for ORS 565.410 to 565.450. 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 of Agriculture, 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 County Fair Commission shall receive a per diem allowance of $30 when engaged in the performance 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 County Fair 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]

565.423 [2001 c.916 §10; 2003 c.14 §351; repealed by 2005 c.777 §48]

565.425 [1969 c.298 §7; repealed by 2001 c.916 §6]

565.430 [1969 c.298 §8; 1993 c.18 §129; repealed by 2001 c.916 §6]

565.435 Commission staff assistance; costs. The Director of Agriculture shall provide the County Fair 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 chapter 183, the County Fair 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]

565.442 County fair board annual reports. (1) On or before October 31 of each year, a county fair board must submit to the County Fair Commission, on a form approved by the commission, data for the period since the preceding report date regarding:

(a) Use of the county fairgrounds by youths and adults;

(b) Participation in county fairs by youths and adults;

(c) Evidence of community involvement in county fairs;

(d) Attendance at county fair and nonfair events;

(e) The most recent fiscal year budget for the county fairgrounds and evidence of compliance with open meeting law pursuant to ORS 192.610 to 192.690 in developing the budget;

(f) Compliance with public contracting and purchasing law under ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C;

(g) The most recent business plan for the county fairgrounds;

(h) Maintenance of liability insurance in an amount satisfactory to the County Fair Commission; and

(i) Use of state funds distributed to the county fairs.

(2) If a county fair board fails to timely submit the data required by subsection (1) of this section, the county fair administered by that board is ineligible for state funding, including but not limited to, funding under ORS 565.445, for a period determined by the County Fair Commission, not to exceed one year. A county fair may appeal a commission decision under this subsection to the Director of Agriculture, whose decision is subject to ORS chapter 183.

(3) The County Fair Commission may contract for the collection and summarizing

of data required to be submitted under subsection (1) of this section. The commission shall send a summary of the data to the Director of Agriculture. [2001 c.916 §3; 2003 c.517 §4; 2003 c.794 §301]

565.443 County fair annual audits; rules. (1) An annual audit of county fair records must include an identification of fair policies relating to matters specified in this section. The audit shall include an examination of available county fair records to check for compliance with the policies. The results of the compliance check must be included within the scope of the opinion expressed by the auditor regarding the county fair records.

(2) Fair policies that are subject to subsection (1) of this section are policies regarding:

(a) Animal welfare;

(b) Environmental issues;

(c) Participation in professional development activities; and

(d) Compliance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336), as amended.

(3) The County Fair Commission may adopt rules for carrying out this section. Upon the request of a county fair or an auditor, the County Fair Commission may issue a declaratory ruling whether a particular county fair policy is a policy described in subsection (2) of this section. A county fair may appeal a commission ruling under this subsection to the Director of Agriculture, whose decision is subject to ORS chapter 183. [2001 c.916 §2]

565.445 County Fair Account; use of moneys. (1) The County Fair Account is established separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the County Fair Commission.

(2) The account shall consist of moneys allocated under ORS 565.447. Moneys credited to the account may be expended by the County Fair Commission for the administration of ORS 565.410 to 565.450, not to exceed $40,000 per biennium.

(3) Subject to ORS 565.442 (2) and subsection (2) of this section, on the first business day of each calendar year the County Fair Commission shall disburse the moneys in the County Fair Account to the county fair boards in equal shares. [1969 c.298 §11; 1971 c.595 §1; 1979 c.844 §2; 1989 c.463 §1; 2001 c.916 §4; 2003 c.517 §3]

565.446 Legislative findings. The Legislative Assembly finds and declares that financial support of county fairs will result in economic development for areas where fairgrounds are located by promoting, expanding or preventing the decline of businesses and that the use of the net proceeds from the operation of the Oregon State Lottery to fund county fairs is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.540. [2001 c.811 §1]

Note: 565.446 to 565.449 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.447 Lottery proceeds allocation to County Fair Account. (1) Subject only to the availability of unobligated net lottery proceeds, there is allocated from the Administrative Services Economic Development Fund to the County Fair Account created under ORS 565.445 an amount equal to one percent of the net proceeds from the Oregon State Lottery, but not to exceed $1.53 million annually, adjusted biennially pursuant to the change in the Consumer Price Index, as defined in ORS 327.006, between January 1, 2001, and January 1 immediately preceding commencement of the biennium.

(2) The allocation of moneys from the Administrative Services Economic Development Fund under this section is subject to the requirements in section 4, Article XV of the Oregon Constitution, for deposit of specified amounts of the net proceeds from the Oregon State Lottery into the Education Stability Fund and into the Parks and Natural Resources Fund and shall be made only after satisfaction or payment of:

(a) Amounts allocated to Westside lottery bonds issued under ORS 391.140 or to the reserves or any refunding related to the Westside lottery bonds in accordance with the priority for allocation and disbursement established by ORS 391.130;

(b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery bonds due or payable during the year for which an allocation is to be made; and

(c) Amounts required by any other pledges of, or liens on, net proceeds from the Oregon State Lottery. [2001 c.811 §2; 2002 s.s.2 c.4 §3; 2002 s.s.3 c.6 §19; 2003 c.14 §351a]

Note: See note under 565.446.

565.449 County Fair Account distribution. The County Fair Commission shall make an annual distribution each January of the unexpended balance of moneys credited to the County Fair Account under ORS 565.447 as provided in ORS 565.445. [2001 c.811 §3; 2001 c.916 §8]

Note: See note under 565.446.

565.450 Budget preparation procedure. The County Fair 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 as set forth in the 2001 Edition of Oregon Revised Statutes. [1971 c.595 §3; 2003 c.604 §104]

565.455 [1995 c.796 §1; repealed by 2003 c.517 §1]

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 Conducting business on or near grounds of fair or society. (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 the grounds of the Oregon State Fair, or on any grounds owned or occupied by 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 State Parks and Recreation Department, county fair board or such society the license for the privilege, or obtained the written consent of the department or county fair board or of the president and secretary of such society.

(2) Nothing in this section shall restrain any person except during fairs or exhibitions or other public events or meetings on the grounds of the Oregon State Fair or of any county fair board or of such societies, and for two days prior and two days subsequent thereto. This section does not 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; 2005 c.22 §385; 2005 c.777 §42]

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 Oregon State Fair 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 on the grounds of the Oregon State Fair, 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 State Parks and Recreation Department, county fair boards or societies for that purpose. [Amended by 1953 c.675 §12; 1969 c.239 §6; 1973 c.537 §9; 2005 c.777 §43]

565.630 Regulation of public events. The State Parks and Recreation Director, 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; 2005 c.777 §44]

565.640 Peace officers; authority; power of arrest. The peace officers of the State Parks and Recreation Department, county fair board or 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 of the Oregon State Fair or on any grounds owned or occupied by a county fair board or such society for 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 department, county fair board or such society. [Amended by 1953 c.675 §12; 1969 c.239 §8; 1973 c.537 §11; 2005 c.777 §45]

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 a Class D violation. 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 $5. [Amended by 1999 c.1051 §201]