

ORDINANCE NO. 99

AN ORDINANCE REGULATING HARVESTING AND TRANSPORTATION OF MINOR FOREST PRODUCTS, AND DECLARING VIOLATIONS PUNISHABLE BY MISDEMEANOR.

BE IT ORDAINED BY THE BOARD OF MASON COUNTY COMMISSIONERS:

Section 1. Definitions. For the purpose of this Ordinance the following definitions shall apply:

- A. Christmas trees shall mean any evergreen trees commonly known as Christmas trees, including fir, hemlock, spruce, pine and cedar trees, but excepting logs, poles, pilings or other forest products from which substantially all the limbs and branches have been removed.
- B. Minor Forest Product shall mean evergreen foliage, cascara bark, huckleberry brush, salal, sword ferns, rhododendron greens and huckleberries, and seed cones.
- C. Cedar Products shall mean shakes, shake boards, shingle bolts, fence posts, hop poles, pickets or any other cedar product not normally transported as logs, poles or piling.
- D. Cutter or Picker shall mean any person, firm or corporation or agent thereof who cuts, digs, breaks or removes Christmas trees, minor forest products or cedar products.

Section 2. It shall be unlawful for any cutter or picker in Mason County to cut, dig, break, pick or remove from any private lands any Christmas trees, minor forest products or cedar products without the consent, express or implied, of the owner or lessee thereof.

auditor

Section 3. It shall be unlawful for any person, firm or corporation, or the agent thereof, to transport over the highways of this county any Christmas trees, minor forest products or cedar products which he or his agent or principal has taken without the consent, express or implied, of the landowner or his authorized lessee or agent.

Section 4. It shall be unlawful for any cutter or picker of Christmas trees, or his agent, to transport over the highways of this county more than one Christmas tree without having in his possession a dated bill of sale, certificate of ownership, or bill of lading showing the number of trees, by species, sold or transferred by any such document and showing his title thereto.

Section 5. It shall be unlawful for any person, firm or corporation or his or their agent or employee to transport minor forest products over the highways of this county in a quantity of more than one evergreen tree and/or one pound of other minor forest products without having in his or their possession a load ticket signed by the driver on which will set forth the following information: (1) The name and address of the owner or lessee of the lands where the minor forest products were cut, broke, picked, dug or removed, or in the alternative, the legal description of the lands from where the said minor forest products were taken and removed, or in the further alternative the name and address of the person, firm or corporation from whom the said minor forest products were received; (2) the desitination of the said minor forest products, and (3) the date the said minor forest products were taken and removed from the said land, or delivered to the person transporting the said minor forest products.

Section 6. It shall be unlawful for any person, firm or corporation or his or their agent or employee to transport cedar products over the highways of this county without having in his or their possession a load ticket signed by the driver on which will set forth the following information: (1) The name and address of the owner or lessee of the lands where the cedar products were cut or removed, or in the alternative, the legal description of the lands from where the said cedar products were cut and removed, or in the futher alternative the name of the person, firm or corporation from whom the said cedar products were received; (2) the destination of the said cedar products; and (3) the date the said cedar products were cut and removed from the said land, or delivered to the person transporting the said cedar products.

Section 7. All peace officers shall note and investigate the transportation of Christmas trees, minor forest products and/or cedar products for the purpose of preventing violations of the provisions of this act.

Section 8. Any peace officer, which term shall include forest wardens and game protectors, shall have the power to stop, inspect and search without a warrant any person or vehicle observed transporting one or more Christmas trees, one or more pounds of minor forest products and/or cedar products for the purpose of ascertaining whether or not the same are being transported in violation of the provisions of this ordinance. Any hindrance or interference with any such officer so engaged shall be prima facie evidence that the person interfering with, or hindering such officer, is guilty of a violation of this act.

Section 9. Whenever any person, firm or corporation or agent violates the provisions of Sections 2, 3, 4, 5 or 6 of this Ordinance a peace officer may either arrest the person without a warrant and take him before any court having jurisdiction of the offense, or he may issue a summons or citation for the accused person to appear at the court named and answer a complaint to be filed therewith; PROVIDED, that at the time of making the arrest, the peace officer may seize the trees, minor forest products or cedar products and may also seize and impound the vehicle used in transporting same, subject to the order of the court before which the arrested person is ordered to appear; PROVIDED, that if the owner of the trees, minor forest products or cedar products appears before the court and presents satisfactory evidence of ownership, the court shall order the officer to deliver the trees, minor forest products or cedar products to the owner. However, if the owner does not appear and prove his ownership thereof within five days, the court shall direct the officer to sell the trees, minor forest products and/or cedar products and pay the proceeds thereof to the Treasurer of the County, who shall deposit same in the general fund.

Section 10. It shall be unlawful for any person, firm or corporation to receive, take or purchase any trees, minor forest products or cedar products from any person or persons who shall refuse to make known his or her or their names or name, place or places of residence and legal description of property from which said trees, minor forest products or cedar products were cut or removed, or to knowingly make any false entry of any matter or thing required to be made under this ordinance.

Section 11. Any person, firm or corporation purchasing trees, minor forest products or cedar products shall keep a book in which he shall at the time of purchase of said trees, minor forest products or cedar products, enter in the English language, written in ink, a full and accurate description of said trees, minor forest products or cedar products so bought, together with the name, signature and residence of the vendor, and also the amount paid and the date and hour of purchase, together with a complete legal description of the property from which such trees, minor forest products or cedar products were removed, and said book shall at all reasonable time be open to inspection by any peace officer.

Section 12. PENALTY. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not exceeding TWO HUNDRED FIFTY (\$250.00) DOLLARS, or by imprisonment in the County jail for a period of not exceeding ninety (90) days. For purposes of enforcement of this ordinance, justice courts and superior courts shall have concurrent jurisdiction.

Section 13. If any section, provision or part thereof of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 14. All other prior ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted by the Board of County Commissioners of Mason
County, this 8th day of June, 1970.

Martin Smith

Willis Clark

John Barckman
BOARD OF COMMISSIONERS
Mason County, Washington

Attest:

Ruth E. Boyson
Mason County Auditor