

ORDINANCE NO. 699

AN ORDINANCE ESTABLISHING TIMBER HARVESTING AND EXPORTING RULES FOR THE CITY OF SCAPPOOSE

WHEREAS the City of Scappoose establishes the following standards and procedures for harvesting and exporting timber from public lands.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Pursuant to ORS 526.806, export of unprocessed timber harvested from City lands is prohibited.

1. **Definition.** “Unprocessed timber” means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. “Unprocessed timber” does not include:
 - a) Lumber or construction timbers meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on four sides, not intended for remanufacturer;
 - b) Lumber, construction timbers, or cants for remanufacture meeting current American Lumber Standards Grades Pacific Lumber Inspection Bureau Export R or N list grades, sawn on four sides, not to exceed 12 inches in thickness;
 - c) Lumber, construction timbers, or cants for remanufacture that do not meet the grades referred to in paragraph (b) above and are sawn on four sides with wane less than one-fourth of any face, not exceeding 8 3/4 inches in thickness;
 - d) Chips, pulp or pulp products;
 - e) Veneer or plywood;
 - f) Pulls, posts, or piling cut or treated with preservatives for use as such;
 - g) Shanks or shingles;
 - h) Aspen or other pulp wood bolts, not exceeding 100 inches in length, exporting and processing into pulp.

- i) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants or other domestic operations for the purpose of conversion of the logs into chips;
- j) Firewood cut into pieces 48 inches or less in length;

2. Exemptions. The following are exempt from prohibition against exporting:

- a) Western Red Cedar that is domestically processed into finished products to be sold into domestic or international markets;
- b) Specific quantities of grades and species of unprocessed timber originating from public lands which the United States Secretary of Agriculture or Secretary of the Interior as determined by Rule to be surplus to the needs of timber manufacturing facilities in the United States.

3. Bids. Anyone submitting a bid of purchase of public timber must provide written certification of the following:

- a) The person will not export unprocessed timber, either directly or indirectly;
- b) The person will not sell, transfer, exchange or otherwise convey unprocessed public timber to any other person without obtaining a certification from the person of the person's intent to comply with Oregon laws prohibiting export of unprocessed timber from public lands.
- c) Unless exempted by these rules, the person has not exported unprocessed timber from private lands in Oregon from a period of at least 24 months prior to the date of submission of the bid.

4. Hearings Process.

- a) If the City finds a violation of these rules at least five days before such a finding, it is to be made to the City Council, the City Manager shall provide the alleged violator with notice of the violation and an opportunity for a hearing. Notice shall be sufficient if it is mailed to the last known address to the alleged violator;
- b) After the hearing, if the City Council finds that such a violation has occurred, it must declare findings of any violation on the record;
- c) If the City imposes a penalty, it shall serve notice in writing, in person or by registered mail or certified mail upon the person committing the violation, notifying him or her of the penalty to be imposed;

- d) The person incurring the penalty shall have 20 days from the date receiving the notice to make written application for a hearing;
- e) The hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413-183.470;
- f) Judicial review of an order made after a hearing under this section shall be with the Court of Appeals, as provided in ORS 183.480-183.497 for judicial review of contested cases.

5. Penalties.

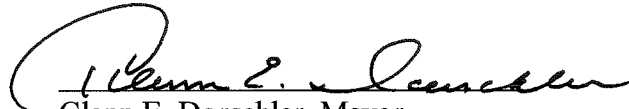
- a) The City may bar any person who violates these rules from entering into any contract for the purchase of unprocessed timber from public lands for a period of up to five years;
- b) Such person also may be precluded from taking delivery of public timber purchased by another party for the period of debarment;
- c) The City may cancel any contract entered into with a person found to have violated these rules or related Oregon laws;
- d) In addition, after findings on the record and an opportunity for a hearing, the City may:
 - 1) Assess a civil penalty of up to \$75,000 for each violation, if it finds that the violation was casual or involuntary;
 - 2) Assess a civil penalty of up to \$500,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater, if it finds a willful violation. Willful violation is a Class C felony.

6. Enforcement.

- a) When an order assessing a civil penalty becomes final, the amount shall be payable within 10 days after the order becomes final;
- b) If the order is not paid within 10 days, it may be recorded with the county clerk within any Oregon county;
- c) All monies received must be paid into the State Forestry Department Account and may be used only to pay the expenses of administration, investigation, and enforcement of ORS 526.801-526.831 by the State Forester or any law enforcement agency.

ADOPTED this 20th day of November 2000.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: November 6, 2000

Second Reading: November 20, 2000

ATTEST:


Debi G. Schmit, City Recorder