

ORDINANCE NO. 525

AN ORDINANCE REGULATING THE TAKING OF FISH FROM THE WATERS STOCKED BY THE CITY OF CANBY LOCATED WITHIN THE BOUNDARIES OF ANY CANBY CITY PARK AND PRESCRIBING PENALTIES FOR VIOLATIONS.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. SHORT TITLE: This Ordinance shall be known and cited as the "Fishery Management Ordinance of the City of Canby."

Section 2. DEFINITIONS: For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- A. "City" is the City of Canby, Oregon.
- B. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- C. "Fish" and its derivatives, "fishing", "fished", etc., means any effort made to kill, injure, capture, disturb or catch a game fish.
- D. "Closed season" means all of the time during the entire year excepting the "open season" as specified in the rules and regulations adopted by the Canby City Council.
- E. "Open season" means the time specified by the Canby City Council when it shall be lawful to fish for game fish. Each period of time specified as an open season shall include the first and last days thereof.
- F. "Closed waters" means the body of water located within the boundaries of any Canby City Park wherein it shall be unlawful to fish for any game fish.
- G. "Bag limit" means the maximum number of game fish which may be taken, caught, killed or possessed by any one person, as specified and fixed by the Canby City Council for any particular period of time, or so specified and fixed as to size or species.
- H. "Game fish" as used in this Ordinance, or in any rule or regulation adopted by the Canby City Council, includes any salmo irideus, commonly known as rainbow trout; salmo clarkii, commonly known as cutthroat trout; salmo gairdnerii, commonly known as steelhead; salvelinus fontinalis, commonly known as eastern brook trout; oncorhynchus nerka, commonly known as silver

trout; micropterus salmoides, commonly known as largemouth black bass; micropterus dolomieu, commonly known as small-mouth black bass; perca flavescens, commonly known as yellow perch; pomoxis annularis, commonly known as white crappie; pomoxis sparoides, commonly known as black crappie; helioperca incisor, commonly known as bluegill sunfish; eupomotis gibosus, commonly known as pumpkinseed sunfish; ameiurus nebulosus, commonly known as catfish; salvelinus malma spectabilis, commonly known as dolly varden trout; salmo trutta, commonly known as brown trout; and ameiurus malas, commonly known as black catfish.

Section 3. GAME FISH OWNED AND MANAGED BY THE CITY OF CANBY: The game fish in the waters within the boundaries of any Canby City Park are purchased with City funds from private hatcheries and are the property of the City of Canby. Such game fish shall not be taken at such times or places or by such means, or in such quantities, as will impair the supply thereof.

Section 4. COLLECTION AND DISTRIBUTION OF GAME FISH: The City of Canby may regulate the propagation and preservation of game fish, and the collection of game fish spawn, and the distribution thereof, and the distribution of fry, fingerlings and adult game fish in the waters within the boundaries of any Canby City Park, and may import such spawn, fry, fingerlings and adult fish as may be deemed advisable.

Section 5. CITY OF CANBY MAY REGULATE SEASONS AND BAG LIMITS AND METHODS AND MEANS OF TAKING GAME FISH: The Canby City Council shall, from time to time, adopt, promulgate, amend or repeal, and enforce, reasonable rules and regulations governing the time and manner, or prohibiting the taking of game fish within the boundaries of any Canby City Park and the quantities, species and size of such fish that may be taken.

Section 6. ADOPTION AND PUBLICATION OF RULES AND REGULATIONS: CERTIFIED COPY IS PRIMA FACIE EVIDENCE: All rules and regulations adopted by the Canby City Council and all amendments to, modifications or repeals of existing rules and regulations shall be adopted by the Canby City Council at any meeting by Resolution entered and recorded in the minutes of the Council, and shall

be published once a week for two successive publications in any newspaper printed and published or having a general circulation in the City of Canby. Any copy of such Resolution, certified as a true copy by the City Recorder, shall be admissible in any Court as prima facie evidence of the adoption, promulgation and validity of any such rule or regulation.

Section 7. POLICE OFFICERS TO EXECUTE WARRANTS AND ENFORCE RULES AND REGULATIONS:

- A. Any commissioned officer of the Canby Police Department may serve and execute all warrants and process issued by the Courts in enforcing the provisions of law and all rules and regulations adopted by Council pertaining to the management of game fish within the boundaries of any Canby City Park, and may issue citations to persons failing to comply with any such law or rules and regulations.
- B. Any police officer of the City of Canby may, without warrant, arrest any person found violating any law enacted, or any rule or regulation adopted and promulgated by the Council pertaining to the management of game fish within the boundaries of any Canby City Park.
- C. Any police officer of the City of Canby may seize without warrant all game fish, or parts thereof, taken, killed or possessed contrary to law, or rule or regulation adopted by Council, and any net, seine, boat, fishing tackle or other device unlawfully used in fishing within the boundaries of any Canby City Park. The Municipal Judge of the City of Canby shall have power and jurisdiction in any prosecution for unlawful fishing, in addition to any other penalty provided by law, to forfeit to the use of the City, any game fish, and any article so seized and proved to have been unlawfully used. In case it appears upon the sworn complaint of the officer making the seizure that any article seized was not in the possession of any person, and that the owner thereof is unknown, the Court shall have the power and jurisdiction to forfeit such article so seized upon a hearing duly had after service of Summons, describing the articles seized, upon the unknown owner by publication in the manner provided by law for the service of Summons by publication in civil actions. All nets, seines, baits, boats, lights, fishing tackle or other devices seized under the provisions of this Section, unless forfeited by order of the Court, shall be returned, after the completion of the case and the fines, if any, have been paid.
- D. All nets, seines, devices, contrivances and materials, while in use for the purpose of catching, taking or killing game fish contrary to law, rule or regulation of the City of Canby, are nuisances. All police officers shall, without warrant or process, take, seize, abate or destroy them while being used for such purpose.

Section 8. CITY MAY DESIGNATE AGE LIMITATIONS: The City Council shall prescribe age limitations for persons allowed to fish for game fish in the waters located in any Canby City Park, and it shall be unlawful for all others to fish for or take by any means any fish from the waters of any City Park which are stocked by the City.

Section 9. FISHING CONTESTS: It shall be unlawful for any person to promote, conduct, hold or sponsor any contest for fishing for game fish under any competitive arrangements without first securing from the City a Fishing Contest Permit and paying the City of Canby the sum of \$25.00 therefor; such funds to go to the City Park Fund. Such Permits may be issued by the City and all such contests shall be held in accordance with rules and regulations which the City shall adopt, concerning the times and manner of holding such contests.

Section 10. UNLAWFUL TO FISH DURING CLOSED SEASON: It shall be unlawful for any person to fish for game fish in the waters within the boundaries of any Canby City Park during the respective closed season therefor.

It shall also be unlawful for any person to kill, catch or take any game fish in excess of the number fixed as the bag limit, in the waters within the boundaries of any Canby City Park.

- A. The open season for fishing in the waters within the boundaries of any Canby City Park shall coincide with the open season for trout in the Canby area as set by Oregon State Game Commission.
- B. The bag limit on game fish taken in the waters within the boundaries of any Canby City Park shall be ten (10) fish per person per day. The possession limit shall be the same as the daily bag limit.
- C. It shall be unlawful for any person to take fish under six (6) inches in length from the waters within the boundaries of any Canby City Park.
- D. It shall be unlawful for any person to have in his possession or under his control any game fish within the boundaries of any Canby City Park during the closed season, or in excess of the bag limit.
- E. It shall be unlawful for any person to offer for sale, or to sell, or barter for, or to exchange, or to buy, any game fish taken within the boundaries of any Canby City Park.

F. It shall be unlawful for any person to lay, set, use or prepare any drug, poison, lime, medicated bait, nets, formaldehyde, dynamite or other explosives, or any tip-up snare, or net, or trotline, or any wire, string, fish trap or cable of any kind, to take game fish within the boundaries of any Canby City Park.

Section 11. RESISTING OR OBSTRUCTING AN OFFICER; It shall be unlawful for any person to resist or obstruct any commissioned police officer in the discharge of his duty while enforcing the provisions of this Ordinance.

Section 12. PERMIT REQUIRED FOR PLANTING WILD SPECIES: Except as authorized by the City of Canby, it shall be unlawful for any person to plant any fish, fish fry, spawn or any aquatic plant in the waters within the boundaries of any Canby City Park.

Section 13. UNLAWFUL TO MOLEST FISH PROTECTIVE DEVICES: It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure or destroy any fish ladder, fish guard, screen, fish stop, fish protective device, by-pass, or part thereof, or any fish trap operated by the City of Canby in waters within the boundaries of any Canby City Park.

Section 14. METHODS AND MEANS OF TAKING FISH:


- A. No person shall fish for game fish in waters within the boundary of any Canby City Park in any other manner than with one line or one rod and line held in the hand, and such line or rod shall be under his immediate and absolute control. Such line shall not have attached more than one hook or fly or one plug having any number of hooks, provided, that persons may use small landing nets in landing fish caught with hook and line.
- B. It shall be unlawful for any person to use live fish as bait while fishing for game fish in waters within the boundaries of any Canby City Park.
- C. It shall be unlawful for any person to fish from a boat or any other floating device in waters within the boundary of any Canby City Park.

Section 15. PENALTIES: Any person convicted of violating any provision of this Ordinance shall be punished by a fine of not more than TWO HUNDRED FIFTY DOLLARS (\$250.00) or by imprisonment in the County Jail for not more than thirty (30) days, or both.

Passed on first reading of the Canby City Council at a regular meeting thereof on this 3rd day of NOVEMBER, 1969; ordered posted in three public and conspicuous places in the City of Canby as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof on the 1st day of DECEMBER, 1969, at the Canby City Hall.


LAWRENCE J. HOUSEN - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder

Passed on final reading of the Canby City Council this 1st day of DECEMBER, 1969 by the following vote: Yeas 6; Nays 0.

Approved by the Mayor of the City of Canby this 2nd day of DECEMBER, 1969.


LAWRENCE J. HOUSEN - Mayor

ATTEST:


J. R. RICHARDSON - City Recorder