

**CHAPTER 630**  
**Pest Control**

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**CROSS REFERENCES**

Enforcement - see ADM. 202.99 & Ch 203

Nuisance abatement - see H. & S. 1864.10 to 1864.13

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**630.01 POLICY AND TITLE.**

It is the intent and purpose of this Ordinance to prevent the build-up and spread of injurious plant and tree pests from tree to tree and orchard to orchard; particularly from areas not properly treated, or from areas untreated or abandoned, to commercial or semi-commercial trees; to offer alternative control measures; to encourage property owners to implement control measures; and to recoup expenses incurred by Jackson County in treatment of pests due to noncooperation or nonaction of property owners, or any tenant, occupant, lessee or person in possession of subject property. This Ordinance shall be known as the "Jackson County Pest Control Ordinance."

(E. Ord. 2002-17. Passed 8-7-02.; P. Ord. 2002-21. Passed 10-30-02.)

**630.02 DEFINITIONS.**

As used in this Ordinance:

- (a) Board of Commissioners or Board - means the Jackson County Board of Commissioners.

- (b) Disease Organisms - means those disease organisms as identified and defined by the Oregon Department of Agriculture or OSU Extension and includes, but is not limited to, the following: Pseudomonas blight (*Pseudomonas* sp.), Coryneum blight (*Wilsonomyces carpophilus*), Fire blight (*Erwinia amylovora*), and Pear scab (*Venturia Pirina Aderh*).
- (c) Host Plant or Host Tree - means Pear (*Pyrus* sp.), Apple (*Malus* sp.), Quince (*Cydonia* sp.), Peach (*Prunus* sp.), and may include other rosaceous hosts of Apple Maggot as deemed necessary by the Oregon Department of Agriculture or OSU Extension.
- (d) Insect Pest - means those insect pests as identified and defined by the Oregon Department of Agriculture or OSU Extension and includes, but is not limited to, Codling Moth (*Cydia Pomonella*), Oriental Fruit Moth (*Grapholita Molesta*), Pear Psylla (*Cacopsylla Pyricola*), San Jose Scale (*Quadraspidiotus Perniciosus*), Shot Hole Borer (*Scolytus Rugulosus*), Apple Maggot (*Rhagoletis Pomonella*) and Peach Twig Borer (*Anarsia Lineatella*).
- (e) Integrated Pest Management (IPM) - is a sustainable approach to managing pests by combining biological, cultural, mechanical, and chemical tools in a way that minimizes economic, health, and environmental risks.
- (f) Organic - means the techniques and process of raising and producing agriculture without synthetic fertilizers, pesticides or drugs.
- (g) Owner - means any actual title holder of land on which an affected orchard is located. It also refers to those tenants, occupiers, agents of the owner and any other persons who are responsible for management of the orchard.
- (h) Orchard - means any property containing 50 host plants or host trees as defined by this ordinance, or any property containing a lesser number that poses a significant threat to a commercial orchard as determined by the Code Enforcement Officer.
- (i) Trap - refers to a Pheron Apple Maggot trap or other brand as recommended by Oregon Department of Agriculture as set by this department, an Oregon State University (OSU) Extension agent or a representative of Jackson County. "Trapped" means an insect pest caught in a trap.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

**630.03 PROHIBITIONS.**

It is a county violation for any owner or possessor of property within the control area to fail to control disease organisms or insect pests on host plants or host trees on such property as set forth in this Ordinance.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

**630.04 CONTROL AREA.**

A control area is hereby created for the control of insect pests and diseases related to, but not limited to, Pseudomonas Blight, Coryneum Blight, Peach Leaf Curl, Fire Blight, Apple Scab, Pear Scab, Codling Moth, Oriental Fruit Moth, Pear Psylla, San Jose Scale, Shot Hole Borer, Apple Maggot, Peach Twig Borer, and mites, within the boundaries of Jackson County, Oregon.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

**630.05 CONTROL METHODS.**

(a) Integrated Pest Management (IPM). Shall guide the evaluation and implementation of pest control methods. Orchards containing insect pests and disease organisms on host plants and host trees within Jackson County shall be controlled by one, or a combination, of the following methods:

(1) Biological Control:

- A. Release and/or rely on natural enemies and beneficial organisms.
- B. Create a situation favorable to beneficial organisms.

(2) Cultural Control:

- A. Cover crops
- B. Cultivation, tillage, moving, and water management
- C. Trapping
- D. Destruction of pest habitat
- E. Proper sanitation (i.e. burning, shredding, and fruit removal and destruction)

- (3) Chemical Control:
  - A. Insect pheromones
  - B. Biologically produced toxins
  - C. Synthetic and natural pesticides
  
- (4) Mechanical Control:
  - A. Sticky bands
  - B. Burlap bands
  - C. Removal of host plants or trees
  
- (5) Genetic Control:
  - A. Pest resistant plant varieties

(b) Other Control Methods: The Enforcement Officer may authorize other methods of control as deemed appropriate by qualified experts such as the Oregon Department of Agriculture or Oregon State University agents.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

### **630.06 ENFORCEMENT OFFICER RIGHT OF ACCESS.**

(a) The buildup and spread of injurious plant and tree pests as defined in 630.02 is hereby deemed an emergency and upon reasonable cause to believe such buildup and spread of pests exists as advised by OSU Extension and/or the Department of Agriculture, the Code Enforcement Officer, or designee, is authorized to inspect any property within the control area at reasonable times and in a lawful manner.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

### **630.07 ENFORCEMENT PROCESS.**

(a) OSU Extension and/or the Department of Agriculture will advise the Jackson County Code Enforcement Officer on problem identification, the basis upon which the problem poses a threat to other orchards, and control recommendations. Upon the Enforcement Officer's referral to the Jackson County Development Services Director, the Director will determine when to commence proceedings to cause the abatement of nuisance.

(b) The Board of Commissioners may establish enforcement procedures by order from time to time, to address timeliness and other issues specific to this ordinance.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02; Ord. 2007-2. Passed 1-31-07.)

### **630.08 CONCURRENT JURISDICTION.**

The Jackson County Hearings Officer, the justice court of this county, and the circuit court of this State shall have concurrent jurisdiction for all violations of this ordinance.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

### **630.09 EXEMPTION.**

Accepted scientific experiments conducted by Oregon State University or its designee on test plots for the benefit of the fruit industry are exempt from this ordinance.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)

### **630.99 ENFORCEMENT AND REMEDIES.**

(a) Code Enforcement. Enforcement of the Jackson County Pest Control Ordinance shall comply with Chapter 203 of the Jackson County Code.

(b) Penalty and Equitable Remedies:

- (1) Violation of any provision under this Ordinance, unless otherwise provided, is subject to penalties set forth under JCC 202.99.
- (2) In addition to the penalty provided in Chapter 202.99, violation of the Jackson County Pest Control Ordinance is considered a public nuisance which is subject to abatement procedures set forth under Sections 1864.10 through 1864.13 of the Jackson County Code, said sections to be interpreted to apply in all respects to the Jackson County Pest Control Ordinance.
  - A. If abatement is ordered by the Jackson County Hearings Officer or Circuit Court, as the case may be, the County may enter onto the subject premises to abate the nuisance by treating or removing the host plants or host trees or their produce.
  - B. The method of control will be according to methods described in Section 630.05 above or whatever method deemed to be the safest, most effective, and most economical.

- C.** If control methods are performed by the County, the County shall not be liable for any trespass or conversion as to any real or personal property and the costs of abatement may be collected from the owner, tenant or person in possession of the subject premises, or may be collected as a lien against such property.

(E. Ord. 2002-17. Passed 8-7-02. P. Ord. 2002-21. Passed 10-30-02.)