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## Jefferson County Weed Control Ordinance

Ordinance No. 0-091-12

IN THE MATTER OF AMENDING CHAPTER 8, SECTION 8.28 OF THE JEFFERSON COUNTY CODE PERTAINING TO WEED CONTROL ENFORCEMENT AND DECLARING AN EMERGENCY

WHEREAS, in 2003, the Jefferson County Board of Commissioners adopted code provisions to destroy and prevent the seeding and spreading of noxious weeds through a weed control ordinance; and

WHEREAS, the Jefferson County Board of Commissioners finds it in the public interest to amend its weed control ordinance in order to be more efficient and effective;

NOW THEREFORE, the Jefferson County Board of Commissioners ORDAINS as follows:

1. The Jefferson County Weed Control Enforcement Ordinance, adopted as Ordinance 0-37-03, is hereby repealed in its entirety and replaced with the provisions adopted in this Ordinance.
2. Chapter 8.28 of the Jefferson County Code shall read as follows:

### **8.28.010 Title.**

The ordinance codified in this chapter shall be known as the Jefferson County Weed Control Ordinance.

### **8.28.020 Definitions.**

As used in this chapter, unless the context requires otherwise, the following definitions shall apply:

"Board of Commissioners" means the Jefferson County Board of Commissioners.

"District" means the weed control district, the boundaries of which coincide with the boundaries of Jefferson County, Oregon.

"Noxious weed" means any plant which is determined by the County Commission to be injurious to public health, crops, livestock, land, or other property.

"Land" means real property situated in Jefferson County upon which a violation of this chapter has occurred or is occurring.

"Occupant" means any person, partnership, corporation or cooperative having actual, present, and physical possession of land.

"Owner" means any person, partnership, corporation or cooperative having a legal interest in land.

### **8.28.030 Authority to establish weed control districts.**

The Board of Commissioners may declare the county or any portion of the county a weed control district for the purpose of destroying and preventing the seeding and spread of noxious weeds,

**8.28.040 Classification of weeds.**

For purposes of this chapter, weeds shall be declared to be noxious by their inclusion on a list adopted by resolution of the Board of Commissioners. A weed may be added to or deleted from the list of noxious weeds by resolution of the Board of Commissioners.

**8.28.050 Administration and duties for enforcement of weed control provisions.**

A. The Board of Commissioners shall appoint a Weed Inspector who shall be responsible for the administration and enforcement of noxious weed control.

B. The duties of the Weed Inspector shall be as follows:

1. To determine whether any noxious weeds or plants are being permitted to grow and produce bloom or seed within a weed control district.
2. To serve notices pursuant to this chapter.
3. When necessary, to destroy or cut or to supervise the destruction or cutting of noxious weeds growing or seeding within the weed control district.
4. To issue citations for violations of this chapter.

**8.28.060 Notice.**

A. When it appears that a violation of Oregon State Statutes or this chapter has occurred, the Weed Inspector shall serve written notice to the owner and, if other than the owner, to the occupant of the land that is the subject of the violation. If the Weed Inspector is unable to personally serve the person or persons for whom service is required, the Weed Inspector shall post such notice in three conspicuous places on the subject land,

B. The notice required by this subsection shall contain the following:

1. The date of service or posting of notice;
2. The name of the weed or weeds growing on the land; and
3. A statement directing that such weed or weeds be destroyed or prevented from producing seed within a specified period of time which shall be within the discretion of the Weed Inspector, but in no event shall it be less than two days, nor more than twenty days from the date of service or posting of the notice.

C. If notice is given by posting, the Weed Inspector shall also mail a copy of such notice to any owner or occupant of the land by registered or certified mail return receipt requested. Such notice shall be mailed to the most recent address on file with the Jefferson County Tax Assessor's office.

D. A copy of the notice, together with proof of service or posting endorsed thereon, shall be filed with the Board of Commissioners.

**8.28.070 Duties of owners and occupants.**

A. Upon service or posting of the notice provided for in Section 8.28.060 herein, any owner or occupant of land shall destroy or prevent from seeding or spreading the weed or weeds specified in the notice on their land. Such obligation shall be continuing throughout the remainder of the then current growing, seeding or spreading season.

B. Any owner or occupant of land shall destroy or prevent the seeding on such land of any weed classified as a noxious weed by the Board of Commissioners using the most efficient and practical means available and within a time declared reasonable by the Weed Inspector.

**8.28.080 Control of noxious weeds when owner or occupant fails to do so.**

A. If the owner or occupant of land fails or refuses to destroy or cut noxious weeds within the time period specified in a notice provided pursuant to Section 8.28.060 of this Chapter, the Weed Inspector shall notify the Board of Commissioners. The Board of Commissioners shall authorize the Weed Inspector or such assistants as the Weed Inspector may employ, to go upon the land or premises and destroy the noxious weeds or control them in such manner as will destroy all seeds of such noxious weeds.

B. Notwithstanding this section, if destruction or control of the weeds on any land is in the judgment of the Weed Inspector is impracticable because the weeds may be too far advanced or if for any other reason the means of control available are unsatisfactory, the Weed Inspector shall so notify the Board of Commissioners, which shall request the State Department of Agriculture to immediately quarantine any such controlled noxious weed infested farm within the county to prevent the movement of infested crops or of livestock from such farm except under conditions prescribed in the quarantine that will prevent spread of the weeds by such crops or livestock.

C. In all cases where the Weed Inspector undertakes to destroy or control noxious weeds, the most effective and practical method, in the judgment of the Weed Inspector and with the least injury to the land or crop, shall be used.

D. In all cases where the Weed Inspector undertakes to destroy or control noxious weeds, upon completion of such work, the Weed Inspector, as authorized by the Board of Commissioners, shall file with the County Clerk an itemized statement and oath of the expenses necessarily incurred in the destruction of such weeds. After the statement of expenses is filed, the County Clerk shall enter it in the lien docket. The lien shall be a first lien upon the land or premises, except as to taxes. If the charges and expenses are not paid and the lien discharged by the owner or occupant within 90 days from the date of docketing, the County may recover the expenses in an action at law.

**8.28.090 Penalties.**

A. Any owner or occupant of land commits a violation of this chapter when such owner or occupant fails and refuses to destroy noxious weeds, or their seed, or to prevent the spread thereof, after being placed on notice to do so pursuant to Section 8.28.060 of this chapter.

B. Violation of this chapter is a Class A violation and is punishable upon conviction by a fine not to exceed six hundred dollars (\$600.00) for each offense. Each day of violation shall constitute a separate offense.

**8.28.100 Jurisdiction.**

Jurisdiction for the prosecution of this chapter shall be with the Jefferson County Hearings Officer pursuant to Chapter 1.04 of the Jefferson County Code pertaining to Uniform Enforcement Procedures,

**8.28.110 Severability.**

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

3. This ordinance being necessary to preserve the public health, safety and welfare, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon passage.

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