

In the Matter of Control)
and Regulation of)
Noxious Weeds) Ordinance No. 15-03-2001

WHEREAS pursuant to ORS 570.510, Sherman County, along with the State of Oregon, has the responsibility to control any weeds designated as noxious by the county or state on land within Sherman County; and

WHEREAS ORS 570.515 provides that the County Court may declare Sherman County a weed control district for the purpose of destroying and preventing the seed and the spread of noxious weeds; and

WHEREAS Sherman County has been declared a weed control district by order of the County Court dated June 05, 1940; and

WHEREAS ORS 570.535 directs that each person, firm or corporation owning or occupying land within the Sherman County Weed Control District will destroy or prevent the seeding on such land of any noxious weed, in a timely manner and by the use of the best means at hand, and that no noxious weed will be permitted to produce seed; and

WHEREAS the County Court desires to enact an ordinance to implement ORS 570.535, and to control and to regulate noxious weeds within the Sherman County Weed Control District.

NOW, THEREFORE the County Court of Sherman County ordains as follows:

1.0 AMENDMENT AND REPEAL OF PRIOR ORDINANCE

This text shall fully and completely replace, and therefore repeal, any prior ordinances or rulings in the matter of noxious weeds.

2.0 CREATION OF DISTRICT

Sherman County is hereby declared to be a Weed Control District. The boundaries of the District shall coincide with the boundaries of Sherman County, State of Oregon.

3.0 TITLE OF ORDINANCE

This ordinance shall be known as the "Weed Control Ordinance".

4.0 DEFINITIONS

4.1 Board - Sherman County Weed Control Board.

4.2 Court - Sherman County Court.

4.3 District - Sherman County Weed Control District.

4.4 Employee - Any employee or designee of the Sherman County Weed Control office, including Board members, supervisor, office staff, field inspectors and qualified volunteers.

4.5 Noxious Weed - A weed declared to be noxious by recommendation of the Board and adoption by order of the Court.

4.6 Oregon State Law - The provisions of ORS 570.505 through 570.600, including any amendments, and any other statutes that regulate and control Noxious Weeds.

4.7 Owner - Owner includes any person, firm or corporation owning or occupying land within the Sherman County Weed Control District.

5.0 NOXIOUS WEED CLASSIFICATION

5.1 "A" Class noxious weeds are any noxious weed which greatly endangers the overall economic well-being of the County and has a small enough distribution where eradication is seen as possible. Control of "A" Class noxious weeds is of the highest priority.

5.2 "B" Class noxious weeds are any noxious weed which is well established in the County and has known negative impacts, but due to its distribution, eradication is not feasible. Control of "B" Class noxious weeds are of moderate priority.

5.3 "C" Class noxious weeds are any noxious weed which is wide spread throughout the County and has known economic impacts. "C" Class noxious weeds are of low priority.

5.4 A weed may be added to or deleted from any Class of the noxious weed list by Resolution of the County Court upon the unanimous recommendation of the Board.

6.0 WEED INSPECTOR

6.1 The Court shall appoint a Weed Inspector whose duties shall include, but not be limited to, the following:

- A. To discover if any Noxious Weeds are being permitted to grow and produce bloom or seed within the District;
- B. To serve notices;
- C. When necessary, to destroy or cut, or to supervise the destruction or cutting of the Noxious Weeds growing or seeding within the District;
- D. To conduct investigations, approve plans and certify expenditures pertaining to weed control projects within the District.

6.2 Pursuant to ORS 570.530, the Weed Inspector shall have access to the land within the District.

7.0 NOTICE TO OWNER

7.1 When it appears that a violation of this Ordinance has occurred, the weed inspector shall serve written notice to the owner and, if other than the owner, to the occupant of the land. If the weed inspector is unable to personally serve the person or persons to whom service is required, the weed inspector shall post such notice, together with two copies thereof, in three conspicuous places on the land.

7.2 The notice required by Subsection 7.1 hereof shall contain the following:

1. The date of service or posting of notice;
2. Property description and address;
3. Name of owner and occupant, if different;
4. name of noxious weed or weeds on property;
5. Statement listing control measures that are required;
6. Time period for compliance which shall be not less than 2 days, nor more than 14 days, as established by the weed inspector.

7.3 If service of notice is effected by the posting thereof, 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.

7.4 A copy of the notice, together with the proof of service or posting endorsed thereon, shall be filed with the County Court.

7.5 After the time period has elapsed, weed inspector will verify if action has been taken by owner.

8.0 DUTIES OF OWNERS AND OCCUPANTS

8.1 Upon the service or posting of the notice provided in Section 7.0 of this Ordinance, any owner or occupant of land shall destroy or prevent from seeding or spreading the weed or weeds specified in the notice. Such obligation shall be a continuing obligation throughout the remainder of the then current growing, seeding or spreading season, unless terminated by discontinuation of ownership or occupancy, or upon dissolution of the District.

8.2 Any owner or occupant of land shall destroy or prevent the seeding on such land of any weed classified as a noxious weed by this Ordinance using the most efficient and practical means at hand and within a time declared reasonable by the weed inspector. No weed declared "A" Class noxious shall be permitted to produce seed.

8.3 Any owner or occupant of land identified as having noxious weeds on their property may be required to submit a Weed Management Plan for their property within 30 days of notification of the existence of such weeds. The Weed Management Plan shall comply with the requirements as established by the Board.

8.4 Any owner or occupant of land identified as having "B" Class noxious weeds on their property may be required to maintain a Buffer Zone along all adjoining property lines. The Buffer Zone shall comply with the requirements as established by the Board..

9.0 ENFORCEMENT

If the Owner fails to take action required of the notice, then enforcement action will be taken as provided by Oregon State Law, including judicial action by county district attorney, and abatement by Sherman County or Oregon State Department of Agriculture.

10.0 JUDICIAL ENFORCEMENT

10.1 Judicial enforcement of a violation will be conducted as provided by ORS Chapter 153.

10.2 Violation of this Ordinance is a Class A violation and is punishable upon conviction by a fine not to exceed \$500.00 for each offense.

11.0 CONTROL ACTION

11.1 In the event any owner or occupant of land fails or refuses to destroy or cut noxious weeds within the time period specified by the notice provided in Section 7.0 of this Ordinance, the Court shall authorize the weed inspector, together with such assistance as may be necessary, to go upon the land or premises and destroy the noxious weeds or control them in such a manner as will destroy all seeds of such noxious weeds.

11.2 In the event such destruction or control is impractical because the noxious weeds are too far advanced or because available means are unsatisfactory, as determined by the weed inspector, the Court shall then request the Oregon State Department of Agriculture to immediately quarantine any such noxious weed infested land.

11.3 Prior to taking control action, the weed inspector may notify the owner of the intent the day or evening prior to control measures being undertaken.

11.4 In all instances wherein the weed inspector undertakes to destroy or control noxious weeds, the most effective and practical method, in the discretion of the weed inspector, and with the least injury to the land and crops, shall be used.

11.5 In all instances wherein the weed inspector undertakes to destroy or control noxious weeds, upon the completion of such work the weed inspector shall file with the Sherman County Clerk an itemized statement of the expenses necessarily incurred in the destruction of such noxious weeds, including his or her own wages; said statement of expenses shall be verified upon the oath of the weed inspector.

12.0 COLLECTION OF LIEN

When the statement of expenses is filed, the County Clerk shall cause it to be entered upon a lien docket prepared for that purpose. The amount of the charges and expenses when so docketed shall constitute a first lien upon such lands or premises, except as to taxes. If the charges and expenses are not paid and the lien discharged by the owner or occupant of such lands within 90 days from the date the lien is docketed, the county may recover the expenses in an action at law.

13.0 JURISDICTION

Jurisdiction for the prosecution of this Ordinance shall be with either the Sherman County Justice Court or the Sherman County Circuit Court.

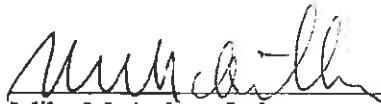
14.0 EMERGENCY DECLARED

As it is necessary for the health, safety, welfare, convenience and benefit of the citizens of Sherman County that this ordinance shall have immediate effect, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and adoption.

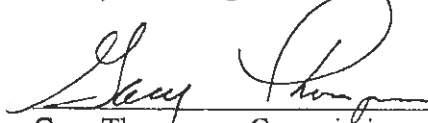
15.0 SEVERABILITY

In the event that any section herein, or portion thereof, is found to be contrary to applicable law, or is for any other reason found or declared to be invalid, such finding or conclusion shall not affect validity of the remaining sections, or portions thereof and said remaining sections or portions thereof shall continue in full force and effect.

Passed by the Sherman County Court this 14th day of MARCH, 2001.


Mike McArthur, Judge


Sherry Kaseberg, Commissioner


Gary Thompson, Commissioner

ATTEST


County Clerk/ Deputy

**Sherman County Weed District
Noxious Weed Ordinance Compliance Policy**

Pursuant to the provisions of ORS 570.505 through 570.600, the Sherman County Court adopted Ordinance # _____ on _____ which established procedures for control of noxious weeds in Sherman County.

The Sherman County Weed District Advisory Board and the Sherman County Court hereby adopt these policies which specify how compliance with the provisions of the weed control ordinance will be accomplished, specifically Section 8.3:

8.3 Any owner or occupant of land identified as having noxious weeds on their property may be required to submit a Weed Management Plan for their property within 30 days of notification of the existence of such weeds. The Weed Management Plan shall comply with the requirements as established by the Board.

- I. The Weed Management Plan will be developed cooperatively between the landowner/operator and the Weed Inspector.

- II. The Plan shall include, but not be limited to, the following elements:
 - A. A location map or aerial photo which illustrates:
 1. The location of the noxious weeds
 2. The land features such as roads, creeks, houses, etc.
 - B. Identification of the weeds targeted for control.
 - C. The short-term (1-3 years) control plan, which shall specify:
 1. The spray program, including:
 - a. The type of chemical and rate
 - b. The timing and frequency of applications
 - c. The follow-up application and/or survey plans
 - d. The date of completion.
 2. The mechanical control plan.
 - D. The long-term (3-5 years) control plan, which shall address:
 1. The designs for increased range health, including:
 - a. Proper grazing
 - b. Range re-seeding
 - c. Rest
 - d. Pasture rotation
 2. Follow-up survey plans
 3. Follow-up spray program (if needed).
 - E. The method and timing intervals of reports on the status of the plan.

- III. Weed Management Plans shall be submitted to and approved by the Sherman County Weed District at P. O. Box 384, Moro, Oregon, 97039.

- IV. Review of the status of Weed Management Plans will be performed by Weed District Personnel and/or the Weed Inspector.

- V. Failure to destroy noxious weeds is a violation of the Sherman County Weed Control Ordinance, and is punishable by fines up to \$500.00 for each offense. Any landowner/operator who has completed and is following an accepted Weed Management Plan will be treated as being in compliance with the ordinance. Neglect, refusal or failure to follow the established Weed Management Plan, however, will be treated as a violation of the ordinance and enforcement action may be taken accordingly.

Sherman County Weed Management Plan

Please attach a map or aerial photo with infestations highlighted. Identify Township, Range, Section and property lines.

OWNER/OPERATOR _____ DATE _____

ADDRESS _____

PHONE _____

Noxious weeds present (list all that apply). Include total acres for each.

Control methods to be used:

___ Chemical ___ Mechanical (i.e. mowing, discing, pulling, etc.)

___ Biological ___ Cultural (i.e. grazing rotation, pasture rest, seeding, etc.)

Explain treatments to be used and timing (i.e. what month) they will be completed. Also explain what size units will be treated, such as whole tract or smaller units. Attach additional pages as needed.

Follow-up inspections will be done and documented:

___ Monthly ___ Quarterly ___ Semi-annually ___ Annually

By whom: _____

Comments:

Plan submitted by: _____ Date _____

PLEASE PRINT

Signature

Date _____

Reviewed and approved by the Sherman County Weed Advisory Board

Any changes or revisions to this plan must be submitted in writing to the Sherman County Weed District.

**Sherman County Weed District
Noxious Weed Ordinance
Buffer Zone Policy**

Pursuant to the provisions of ORS 570.505 through 570.600, the Sherman County Court adopted Ordinance # _____ on _____ which established procedures for the control of noxious weeds in Sherman County.

The Sherman County Weed District Advisory Board and the Sherman County Court hereby adopt these policies which specify how compliance with the provisions of the weed control ordinance will be accomplished, specifically Section 8.4.

8.4 Any owner or occupant of land identified as having "B" Class noxious weeds on their property may be required to maintain a Buffer Zone along all adjoining property lines. The Buffer Zone shall comply with the requirements as established by the Board.

- I. The notification for the need for a Buffer Zone will follow the procedures as set forth in Section 8.0 NOTICE TO OWNER contained within the Weed Control Ordinance.
- II. The Buffer Zone shall include, but not be limited to, the following elements:
 - A. The destruction or cutting of all noxious weeds within a minimum of 200 feet of any adjacent property including private, County, State and Federally owned property.
 - B. The required width of the buffer zone may be greater, at the discretion of the weed inspector and the weeds involved.
 - C. Control of noxious weeds which may accumulate on fence lines or other barriers, man-made or natural, shall be the responsibility of the notified owner or occupant.
- III. Owners or occupants shall be encouraged to implement full scale weed control measures on all portions of their property by the weed inspector.
- IV. After the designated time period for control has elapsed, the weed inspector will verify if action has been taken by the owner.
- V. Failure to destroy noxious weeds is a violation of the Sherman County Weed Control Ordinance, and is punishable by fines up to \$500.00 for each offense. Any landowner/operator who has established an accepted Buffer Zone will be treated as being in compliance with the ordinance. Neglect, refusal or failure to establish an acceptable Buffer Zone, however, will be treated as a violation of the ordinance and enforcement action may be taken accordingly.