

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 8.35, Weed Control,
of the Deschutes County Code.

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ORDINANCE NO. 2024-004

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Clerk's Office, the Road Department, and the County Forester have identified a need to amend DCC 8.35 to remove the Clerk as the contact for providing printed copies of DCC 8.35, upon request to Owners or operators of machinery described in DCC 8.35; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on May 29, 2024, and determined that DCC 8.35 should be amended; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 8.35 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. ADOPTION. This Ordinance takes effect 90 days after second reading.

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Dated this _____ of _____, 2024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DeBONE, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: _____.

Date of 2nd Reading: _____.

Commissioner

Yes

No

Record of Adoption Vote

Abstained

Excused

Patti Adair

Phil Chang

Anthony DeBone

Effective date: _____.

Exhibit A

(to Ordinance No. 2024-004)

8.35.070 Duty To Clean Machinery Before Moving; Weed Infested Residue Not To Be Moved

- A. No person operating or having control of any threshing machinery, clover huller, hay baler, seed cleaning or treating machinery or other similar machinery shall move said machinery over any road or from one farm to another without first being thoroughly swept and cleaned.
- B. All hay, straw or other crop residue infested with noxious weeds having partially or fully formed seeds shall not be moved from the land on which such weeds have grown to other lands not infested with any of the weeds in the field from which such crop material came.
- C. No person shall operate any machinery described in subsection A of this section within the District without first having posted in a conspicuous place on such machinery a copy of this chapter.
- D. The ~~Department~~County Clerk is authorized and directed to have printed a sufficient number of copies of this chapter and shall deliver such copies upon request to Owners or operators of machinery described in subsection A of this section.

HISTORY

Adopted by Ord. 2014-002 §1 on 7/9/2014

Amended by Ord. 2024-004 §1 on 8/29/2024

8.35.080 Eradication Of Noxious Weeds When Owner Refuses

- A. In addition to the other remedies allowed in this chapter, in the event that any Owner of land fails or refuses to destroy or treat Noxious Weeds within the time period specified in the notice provided in DCC 8.35.060(D)(3) or fails to comply with DCC 8.35.070, the Weed Inspector may file suit seeking injunctive relief to require immediate compliance with this chapter.
- B. In addition to actions permitted in Subsection A, the Weed Inspector may go upon the land of the Owner and destroy or treat the Noxious Weeds or control them in a manner that will destroy all means of reproduction of such Noxious Weeds, subject to DCC 8.35.080(D).
- C. The Weed Inspector may also notify the district attorney who shall at once take necessary steps for enforcement of ORS 569.360 to 569.495.
- D. The Weed Inspector may enter upon any private property to abate the violation only upon obtaining consent of the Owner or Occupant or upon obtaining a court issued warrant or order.
- E. In the event destruction or control of the Noxious Weeds on any farm is, in the judgment of the Weed Inspector, impracticable because the Noxious Weeds are too far advanced, or if for any other reason the means of control available are unsatisfactory, the Weed Inspector shall notify the Board, who shall request the State Department of Agriculture to immediately quarantine the Noxious Weed infested farm to prevent the movement of infested crops or livestock from the farm except under conditions prescribed in the quarantine that will prevent the spread of Noxious Weeds.