

(7) "Property" means a developed or undeveloped tax lot or parcel and all improvements located thereon as located within Lake County.

(8) "Property possessor" means any contract purchaser, mortgagor, trust deed grantor, fee owner, lessee, or any other person having possession and/or control of property located with Lake County.

(9) "ORS 569 means Oregon Revised Statute 569 as adopted by the Oregon Legislature and implemented by Oregon Department of Agriculture and it's cooperators.

2. Weed Control District, Weed Board and Weed Control Supervisor

(a) For the purpose of administering this Ordinance the County Commissioners will establish a Weed Control District, the boundaries of which coincide with the boundaries of Lake County. The purpose of the District is to control, prevent the spread of, and where possible eradicate noxious weeds within the district boundaries.

(b) For implementation of this Ordinance the County Commissioners will appoint an advisory board, known as the Lake County Weed Board, to assist in gathering information and making recommendations concerning the operation of the District, including but not limited to:

- (1) Identification of weeds to be listed as noxious by resolution of the County Commissioners.
- (2) Development of education, treatment and outreach programs regarding noxious weeds.
- (3) Provide assistance in accessing funds for weed control from grants and other sources.
- (4) Make recommendations to the County Commissioners on weed control issues.
- (5) Receive information from and advise the weed control supervisor and other county staff in order to fulfill the purpose of Oregon noxious weed laws, this Ordinance, the District and Board.
- (6) The Board shall operate in accordance with bylaws adopted by the Board and approved by the County Commissioners

(c) The County Commissioners shall appoint a Weed Control Supervisor who shall be responsible for the administration of this Ordinance. Duties of the Weed Control Supervisor include but are not limited to:

- (1) Find any noxious weeds which are being permitted to grow and/or propagate, on property within the District.
- (2) Work with property owners and other entities to get voluntary compliance with this Ordinance.
- (3) Coordinate activities with Oregon Department of Agriculture and other interested parties to implement the direction and intent of ORS 569.

(2) A street address or legal description sufficient for identification of the premises upon which the noxious weed infestation is occurring.

(3) A statement specifying the action required to control and eradicate the noxious weed problem, as determined by the County or its duly authorized agent and directing that the control and eradication activities be implemented within ten (10) days after receipt of such notice unless otherwise negotiated between the offender and the County.

(4) A statement that unless control and eradication efforts are implemented within ten (10) days after receipt of the Notice of Abatement that the County may implement the eradication and control measures with the cost thereof being assessed as a lien against the property.

(5) A statement advising the person(s) who receive the Notice of Abatement of their right to appeal from the Notice provided the appeal is made in writing and received by the County within ten (10) days after receipt of the Notice.

(6) A statement that any failure to appeal the Notice of Abatement will constitute a waiver of rights to a hearing and the right to contest the action required to be taken in the Notice of Abatement.

6. Abatement by the County

(a) Unless otherwise negotiated, if the noxious weed infestation has not been eradicated and controlled within ten (10) days and the matter has not otherwise been appealed by the alleged offender, property possessor or persons occupying the property, then the County may abate the noxious weed problem. In such case, the County shall maintain an accurate record of the expense incurred by the County in abating and removing the noxious weeds and shall include therein an overhead charge of 10% of the total cost for administration. The total cost, including the administrative overhead, shall thereafter be assessed pursuant to Section 8 below.

(b) Upon declaration of the existence of a noxious weed infestation the County may take any and all legal action, including but not limited to: physical removal, chemical eradication and chemical control of the infestation to eliminate the noxious weeds.

7. Appeal

(a) Any person who receives a Notice of Abatement under Section 5 above may appeal from the Notice and the action required to be taken by such Notice by personally delivering or mailing by certified mail to the County Commissioners a written request for an appeal. The appeal shall be received by the County Commissioners within ten (10) days after receipt of the Notice of Abatement. The written request for such an appeal shall contain a brief statement setting forth the fact that an appeal is requested and in concise language the relief sought and the reasons why the relief is being sought.

(b) As soon as practical after receiving the written appeal the County Commissioners shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than ten (10) days nor

(4) In the event of non-compliance with this Ordinance serve abatement notices to property owners.

(5) At such time as the County Commissioners employ a Nuisance Control Officer, coordinate abatement activities with that officer to achieve compliance with this Ordinance

(6) Assist the Board with completion of their duties.

3. Noxious Weed List

(a) Noxious weeds have become so thoroughly established and are spreading so rapidly on state, county and federally owned lands, as well as on property in individual ownership and in transition to county ownership through tax delinquency, that they hereby are declared a menace to the public welfare.

(b) Although complete eradication and control may not always be practicable, the steps leading to control and eradication are necessary and responsibility for control rests with property possessor, operators, county, state and/or federal governments. Government entities should cooperate with property possessors and operators in the control and eradication of noxious weeds.

(c) Weeds shall be declared noxious by their inclusion on a list adopted by the County Commissioners upon recommendation of the Board and Oregon Department of Agriculture. The Lake County Noxious Weed List will be reviewed annually by the board and updated as needed through adoption of the County Commissioners.

4. Control and Eradication of Noxious Weeds

(a) Upon determining the presence of noxious weeds on properties within the District the County Commissioners or their designated agents will first work with the property possessors and other interested parties to achieve voluntary control and/or eradication of the noxious weed infestation(s).

(b) Upon failure of voluntary compliance with this Ordinance the process as outlined in section 5 will be implemented.

5. Abatement Process for Noxious Weed Eradication and Control.

(a) Upon determination by the County Commissioners or any of its duly authorized agents that noxious weeds exist and voluntary compliance with this Ordinance has failed, the County Commission or its duly authorized agent (see note at bottom of Ordinance for clarification) shall cause a "Notice of Abatement" to be mailed to the alleged offender, property owner and person occupying the property, if that person is not the property owner, both by certified mail and first class mail directing the eradication and control of noxious weeds. The notice shall include:

(1) A description of the noxious weed issue

more than sixty (60) days from the date the appeal was received by the County. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of such hearing to the person filing the appeal either by personal delivery or by mailing a copy thereof, addressed to the person filing the appeal at the address shown on the appeal.

(c) Failure of any person to file an appeal in accordance with the provisions herein contained shall constitute a waiver of the right to a hearing and adjudication of the Notice or any portion thereof.

(d) All hearings shall be heard by the County Commissioners and conducted in such a manner as to allow all interested persons full opportunity to be heard. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(e) Following the hearing the County Commissioners may uphold, overrule or modify any decision or requirement as set for the in the Notice of Abatement, and shall set forth findings and conclusions for such decision. A copy of the decision shall be delivered to the person filing the appeal personally or shall be sent certified mail, return receipt requested. The effective date of the decision shall be as stated therein.

(f) A decision of the County Commissioners after the hearing shall be final.

8. Enforcement

(a) After any Notice of Abatement or decision of the County Commissioners becomes final, no person to whom any such Notice or decision is directed shall fail, neglect or refuse to obey such notice or decision.

(b) If, after any Notice of Abatement or decision of the County Commissioners becomes final, the person to whom such order is directed shall fail, neglect or refuse to obey such Notice or decision the County may institute any appropriate action to abate the noxious weed problem.

(c) When any abatement work is accomplished by the County, or by private contract under the direction of the County, the cost of such work shall be paid by the County and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner property occupier, whichever the County Commissioners shall determine is appropriate.

(d) The County Commissioners, in its discretion, may determine payment be payable in installments. The County Commissioner's determination to allow payment of such assessment in installments, the number of installments, whether they shall bear interest, and a rate thereof shall be by resolution adopted by the County Commissioners prior to the confirmation of the assessment. If default occurs the County reserves the right to seek other means of collection.

(e) If the County Commissioners order that the charge shall be assessed against the property, the County Commissioners shall confirm the assessment and cause the same to be certified as a lien to the Lake County Clerk and thereafter said assessment shall constitute as a special assessment against and a lien upon the property and bear interest at the rate of 9% per annum commencing as of the date of recording. The lien shall continue until the assessment and all accrued interest has been fully paid.

(f) If the County Commissioners order that the charge shall be a personal obligation of the property owner or occupier it shall direct the County's attorney to collect the same on behalf of the County by use of all appropriate legal remedies.

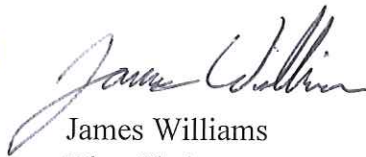
9. Interpretation of this Ordinance

This Ordinance is not to be interpreted to disallow what may be permitted in any zone. Many uses of private property are implied by definition, outright permitted by zone, or allowed by a zoning permit or conditional use permit. The County will work with other Local, State and Federal partners where their jurisdictions may have the opportunity to accomplish enforcement and or give clarification as to what is allowed.

ADOPTED AND ORDAINED by the above entitled Lake County Board of Commissioners this
16th day of June, 2020



Bradley J. Winters
Chair



James Williams
Vice Chair



Mark Albertson
Commissioner

****Note: Although the Ordinance allows the Board of Commissioners to function as both the initial decision-making body and the appeal body, the Board of Commissioners will act only as the appeal body as long as the Weed Control Supervisor is an agent of the County. The initial decision regarding the existence of a noxious weed issue will be made by the Weed Control Supervisor.*