

**CHAPTER 100:
CONTROL OF INSECT PESTS AND DISEASES IN FRUIT TREES AND VINES**

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identified and defined by the Oregon Department of Agriculture, including, but not limited to Codling Moth (*Carpocapsa pomonella*), Oriental Fruit Moth (*Grapholita molesta*), Pear Psylla (*Psylla pyricola*), San Jose Scale (*Aspidiotus perniciosus*), Shot Hole Borer (*Scolytus rugulosus*), Apple Maggot (*Phagoletis pomonella*), Cherry fruit fly (*Rhagoletis indifferens*), and peach Twig Borer (*Anarsia linetella*).

§ 100.01 DEFINITIONS.

A. “Board” means the Umatilla County Board of Commissioners.

B. “Disease organisms” means those disease organisms as identified and defined by the Oregon Department of Agriculture, including, but not limited to: Pseudomonas blight (*Pseudomonas syringae*), Coryneum blight (*Coryneum carpophilum*), Peach leaf curl (*Taphrina deformans*), Fire blight (*Erwinia amylovora*), Apple scab (*Venturia inaequalis*), and Pear scab (*Venturia pirina Aderh*).

C. “Ground fall fruit” means fruit that has fallen to the ground.

D. “Host tree” or “host plant” means Pear (*Pyrus sp.*), Quince (*Cydonia sp.*), Apple (*Malus sp.*), Peach (*Prunus sp.*), Apricot (*Prunus sp.*), Cherry (*Prunus sp.*), Hawthorn (*Crataegus sp.*), Grape Vines (*Vitis spp.*) and may include other hosts of disease organisms or pests in accordance with policies established by the Oregon Department of Agriculture.

E. “Insect-pest” means those insects as

F. “Orchardist” means the owner of property on which a host tree or plant is located, as well as tenants, licensees, officers, agents, or other persons responsible for the management of the property or the orchard.

G. “Orchard” means one or more host trees or plants.

H. “Organic” means the techniques and processes or raising and producing agricultural products in compliance with the United States Department of Agriculture National Organic Program.

I. “Pesticide” includes:

(1) ‘Defoliant’ which means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant with or without causing abscission;

(2) ‘Desiccant’ which means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

(3) ‘Fungicide’ which means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungus;

(4) ‘Herbicide’ which means any

substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed;

(5) ‘Insecticide’ which means any substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever;

(6) ‘Nematicide’ which means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating nematodes;

(7) ‘Plant regulator’ which means any substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments; and

(8) Any substance, or mixture of substances intended to be used for defoliating plants or for preventing, destroying, repelling or mitigating all insects, plant fungi, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the county may declare to be a present, which may infest or be detrimental to vegetation, humans, animals or be present in any environment thereof.
(Ord. 2007-11, passed 12-19-2007)

§ 100.02 CONTROL OFFICER.

2.1 The Board may appoint Control Officers, who shall be authorized to carry out the provisions of this chapter on behalf of the County.

2.2 The Board, or its designee, shall supervise the Control Officers.

2.3 A Control Officer under this chapter shall have the same duties and authority as a County Horticultural Inspector as defined and provided by ORS Chapter 570.

(Ord. 2007-11, passed 12-19-2007)

§ 100.03 DISEASE AND PEST CONTROL.

A. Except as otherwise provided in sections 100.04 and 100.09, all host trees and plants must be treated with appropriate and adequate pesticides, as recommended by the Oregon Department of Agricultural, to prevent infestation by disease organisms and insect pests.

B. The application of pesticides under this section shall conform with all federal and state regulations, including but not limited to all buffer restrictions.

C. The application of pesticides under this section shall conform with all applicable manufacturer’s specifications.
(Ord. 2007-11, passed 12-19-2007)

§ 100.04 ORGANIC CULTIVATION; REGISTRATION; CONTROL METHODS.

A. Orchardists employing organic agricultural methods shall, without a fee, register their host trees and plants as a “pesticide-free orchard” with the Umatilla County Department of Public Works.

B. If an insect pest or disease organism is found within a registered “pesticide-free orchard” the orchardist, in addition to measures set forth in section 100.05, shall:

(1) Clear all undergrowth and objects from beneath host trees and plants so that all ground fall fruit will be clearly visible;

(2) Remove and properly dispose of all

ground fall fruit at least twice a week until commercial harvest is complete;

(3) Harvest all fruit as soon as possible or as otherwise directed by the County;

(4) Strip all trees, including pollinators, of fruit by the end of commercial harvest; and

(5) Continue to apply these measures for a 24 month period after the insect pest or disease organism is discovered.
(Ord. 2007-11, passed 12-19-2007)

§ 100.05 TREATMENT OF DISEASED OR INFESTED HOST PLANTS AND TREES.

If disease organisms or insect pests are found in an orchard, the orchardist, at the direction of the County, shall:

(1) Remove any or all host trees and plants within the orchard, including their complete root structures;

(2) Cut down any and all host trees and plants and treat the remaining stump and root systems with adequate and appropriate chemicals to prevent the spread of disease or pests;

(3) Strip and dispose of all fruit from host trees or plants in compliance with section 6; or,

(4) Employ any other reasonable disease and pest control measures acceptable to the County.
(Ord. 2007-11, passed 12-19-2007)

§ 100.06 DISPOSAL OF FRUIT.

Fruit disposed of in accordance with this chapter shall be:

(1) Processed for juice or sauce using approved cold treatment methods; or,

(2) Buried under procedures approved by Oregon Department of Agricultural.
(Ord. 2007-11, passed 12-19-2007)

§ 100.07 IMPLIED CONSENT; RIGHT OF ACCESS.

A. By keeping a host tree or plant, an orchardist voluntarily and impliedly consents to permit the County and its Control Officers to inspect such trees or plants, and to abate any nuisance under section 100.08, including permission to access the orchardist's property.

B. As provided by ORS 570.020, a Control Officer has the authority to enter upon or into any premises for purpose of inspection.

C. County officials entering upon property for the purpose of enforcing this chapter, shall not be subject to civil or criminal liability for trespass.

D. All inspections and abatements conducted under this chapter shall take place at reasonable times.
(Ord. 2007-11, passed 12-19-2007)

§ 100.08 NUISANCE AND ABATEMENT.

Host trees, host plants, orchards and fruit kept or disposed of in violation of this chapter shall be considered to be a public nuisance, and may be abated at the discretion of the County by employing any treatment, removal, disposal or other control method set forth in this chapter, Umatilla County Code of Ordinances, and Oregon State Statutes.
(Ord. 2007-11, passed 12-19-2007)

§ 100.09 EXEMPTIONS.

A. Scientific experiments conducted under the authority of Oregon State University, and

employing accepted scientific methods and controls, are exempt from the provisions of this chapter.

B. Scientists conducting experiments under this section shall take all reasonable steps to limit any threat, harm, or inconvenience to other orchardists or their crops.

(Ord. 2007-11, passed 12-19-2007)

§ 100.10 ENFORCEMENT.

A. If the Orchardist fails to take action required under this chapter, then enforcement action may be taken as provided by:

(1) Oregon State Law, including judicial action;

(2) Chapter 38 of the Umatilla County Code of Ordinances; and

(3) Abatement by Umatilla County or Oregon State Department of Agriculture.

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

C. A violation of this chapter shall constitute a Class A violation.

(Ord. 2007-11, passed 12-19-2007)