

This Ordinance is intended to implement the authority, responsibilities and enforcement allowed under in ORS Chapter 569 (ORS 569.010-569.995) and local Baker County Ordinance No. 2025-04.

Section 020. Definitions. For the purposes of this chapter the following definitions shall apply:

- A. “Board of Commissioners” means the Baker County Board of Commissioners.
- B. “District” means the weed control district, the boundaries of which coincide with the boundaries of Baker County, Oregon.
- C. “Enforcement Officer” means the Weed Inspector, appointed by the Board of Commissioners to enforce this ordinance.
- D. “Noxious weed” means any plant which is determined by the County Commission to be injurious to public health, crops, livestock, land or other property.
- E. “Land” means real property situated in Baker County, Oregon, and which may have a violation of this ordinance occurring on it.
- F. “Occupant” means any person, partnership, corporation or cooperative having actual, present and physical possession of land.
- G. “Owner” means any person, partnership, corporation or cooperative having a legal interest in land.

Section 030. Authority to establish weed control districts; ORS 569.360.

- A. 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.

Section 040. Classification of Weeds.

- A. For the purposes of this ordinance, weeds shall be declared to be noxious by their inclusion on a list adopted by resolution by the Board of Commissioners. A

weed may be added or deleted from the list of noxious weeds by resolution of the Board of Commissioners.

B. Noxious weeds are declared to be a public nuisance by ORS 569.180 and this ordinance.

Section 050. Enforcement of local and state weed control laws; ORS 569.370; Baker County Civil Enforcement Ordinance No. 2025-04.

A. The Board of Commissioners shall appoint a Weed Inspector who shall be responsible for the administration and enforcement of noxious weed control. The Weed Inspector shall be the authorized Enforcement Officer for this civil ordinance, as that term is defined in Baker County Civil Enforcement Ordinance No. 2025-04.

B. The duties of the Weed Inspector shall include:

1. Providing outreach, education and support to landowners within the weed control district.
2. Determining whether any noxious weeds or plants are being permitted to grow and produce bloom or seed within a weed control district.
3. Serving notices pursuant to state law and this ordinance.
4. When necessary, destroying, cutting or supervising the destruction or cutting of noxious weeds growing or seeding within the weed control district.
5. Issuing citations for violation of this ordinance and pursuing further enforcement under Baker County Civil Enforcement Ordinance No. 2025-04, as needed.

C. The Weed Inspector shall implement noxious weed enforcement in a progressive manner. Enforcement efforts shall always begin with outreach, education and support to landowners for the purposes of detection, control and eradication of noxious weeds by landowners on their own land. However, any violation of state law or local ordinance may be deemed urgent and in such cases the Weed Inspector, at their discretion, may accelerate enforcement actions to prevent further harm from the violation.

Section 060. Notice; ORS 569.380.

A. When it appears that a violation of Oregon State Statutes or this ordinance has occurred, the Weed Inspector shall serve written notice of the apparent violation 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, at a minimum 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 be less than two days, nor more than twenty days from service or posting of the notice.

C. If notice is given by posting, the Weed Inspector shall also mail a copy of the 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 Baker County 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.

Section 070. Duties of owners or occupants; Violation defined.

A. Upon service or posting of the notice provided for in Section 060., above, 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 through the remainder of the then current growing, seeding and/or spreading season.

B. Upon service or posting of the notice provided for in Section 060, above, any owner or occupant of land may, at the discretion of the Weed Inspector and in order to avoid further enforcement action, enter into a noxious weed management

plan for the destruction of or to prevent seeding of noxious weed(s) specified in the notice. Such a plan may be for the remainder of the then current growing, seeding and/or spreading season, or may be a multi-year plan, as approved by the Weed Inspector.

C. 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 within a time declared to be reasonable by the Weed Inspector.

D. Any owner or occupant of land commits a violation of this ordinance when the owner or occupant fails or refuses to destroy noxious weeds or their seed, or to prevent the spread thereof, after being placed on notice to do so under Section 060 of this ordinance. If a landowner or occupant has entered into a noxious weed management plan, as described in paragraph B of this section, the landowner or occupant commits a violation of this ordinance when found to be out of compliance with the plan, as determined by the Weed Inspector.

Section 080. Enforcement upon non-action by owner or occupant;
Baker County Civil Enforcement Ordinance No. 2025-04.

A. If the owner or occupant of land fails or refuses to destroy or cut noxious weeds within the time specified in a notice or violation, or is found to be out of compliance with a plan approved by the Weed Inspector as outlined in Section 070 (B), above, the Weed Inspector may issue a Notice of Civil Infraction and take actions outlined in Baker County Civil Enforcement Ordinance No. 2025-04 to prosecute the violation in Baker County Justice Court.

B. In addition to any monetary fine the court may allow, the Weed Inspector shall seek an order from the court for the owner and/or occupant of land to destroy or prevent from seeding or spreading the weed or weeds specified in the notice of violation, served as outlined in Section 060, above.

Section 090. Control of noxious weeds when owner or occupant fails to do so; ORS 569.400 and ORS 569.410.

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 of violation provided pursuant

to Section 060, above, the Weed Inspector shall notify the Board of Commissioners.

B. The Board of Commissioners shall authorize the Weed Inspector to go upon the land and control or destroy the noxious weeds or control the noxious weeds in such a way as to destroy the seeds.

C. Notwithstanding anything in the section, if the destruction or control of the weeds on any land, 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 notify the Board of Commissioners. The Board of Commissioners shall request the State Department of Agriculture to immediately quarantine any such 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 crops or livestock.

D. 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 land or crop shall be used.

E. 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 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.

Section 090. Penalties. Violation of this ordinance is a Class A violation and is punishable upon conviction by a fine not to exceed \$500 for each offense. Each day of violation constitutes a separate offense.

Section 100. Jurisdiction for prosecution of violation. Jurisdiction for the prosecution of this ordinance shall be with the Baker County Justice Court.

Section 110. Severability. Should any section or portion of this ordinance be held to be unlawful or unenforceable by any court of competent jurisdiction, such

decision shall apply only to the specific section, or portion of section, directly specified in the decision of the court. All other sections or portions of this ordinance shall remain in full force and effect.

Section 130. Emergency. This ordinance, being necessary for the immediate preservation of the peace, health and safety of the citizens of Baker County, and recognizing the imminent and continuous threat of noxious weed infestation and its effect on economic stability, public health and safety, and the security of natural resources in Baker County, shall take effect immediately upon its adoption.

ADOPTED BY THE BAKER COUNTY BOARD OF COMMISSIONERS
on this _____ day of _____, 2026.

BAKER COUNTY BOARD OF COMMISSIONERS:

Shane Alderson, Commission Chair

Christina Witham, Commissioner

Michelle Kaseberg, Commissioner