

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2 ORDINANCE NO. 2895

3
4 AN ORDINANCE AMENDING CHAPTER 3 OF THE LAKE
5 COUNTY CODE PROVIDING FOR THE ABATEMENT OF UNMANAGED, NEGLECTED
6 AND ABANDONED PEAR AND APPLE TREES

7
8 THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS
9 FOLLOWS:

10 **Section 1:** Subsections (j), (k), and (l) are hereby added to Section 3-1.1 of Chapter 3 of the
11 Lake County Code and they shall read as follows:

12 “(j) Unmanaged (neglected or abandoned) apple, pear trees or rootstocks there from, as the
13 term is used in this article, means trees that have not been pruned prior to end of full bloom and no
14 effective pest management activity has been employed.

15 (k) Proof of management, as the term is used in this article, means paid invoices documenting
16 pest management activities, such as to control/manage codling moth, oriental fruit moth, fire blight,
17 pear scab (if pears or pear rootstock re-growth), pear rust mites (if pears or pear rootstock re-growth)
18 and pear blister mites (if pears or pear rootstock re-growth).

19 (l) Vicinity, as the term is used in this article, means within ¼ mile radius of commercial pear
20 or apple production.”

21 **Section 2:** Section 3-2.1 of Chapter 3 of the Lake County Code is hereby amended to read as
22 follows:

23 “2.1 It shall be the duty of any person, firm, company, association or corporation, upon the
24 finding of fire blight in any tree, shrub, bush or vine within the orchards, or upon the premises under
25 their control, within the vicinity of a commercial Pome fruit orchard, to immediately remove or control
26 the same in a manner satisfactory to the County Agricultural Commissioner of the County of Lake.”

27 **Section 3:** Section 3.4 is hereby added to Chapter 3 of the Lake county Code and it shall read
28 as follows:

“ Sec. 3.4 Unmanaged, Neglected or Abandoned Pear and Apple Trees

1 4.1 Any apple, pear trees or rootstock re-growth there from, which is determined to be
2 unmanaged, neglected or abandoned is hereby declared a public nuisance if in the vicinity of
3 commercial production and if the Lake County Agricultural Commissioner has received a written
4 complaint from a commercial grower. All remedies, which are given by law for the prevention and
5 abatement of a nuisance, apply to such nuisance.

6 4.2 The Lake County Agricultural Commissioner is hereby designated as the officer authorized
7 to inspect, require proof of management and abate as a public nuisance of any unmanaged, neglected or
8 abandoned apple, pear trees or rootstock re-growth there from.

9 4.3 The Board of Supervisors shall by Resolution adopt an unmanaged, neglected or abandoned
10 pear and apple tree inspection, control policy and protocol to be followed within the County.

11 4.4 Abatement procedures for unmanaged, neglected or abandoned apple and pear trees and
12 rootstock re-growth there from, shall be as set forth in Division 4, Part 1, Chapter 7, Article 1.5,
13 commencing with Section 5561 of the California Food and Agricultural Code. "

14 **Section 4:** All ordinances or parts of ordinances, or resolutions or parts of resolutions in
15 conflict herewith are hereby repealed to the extent of such conflict and no further.

16 **Section 5:** This ordinance shall take effect on April 16, 2009 and before the expiration
17 of fifteen days after its passage it shall be published at least once in a newspaper of general circulation in
18 the County of Lake

19 The foregoing ordinance was introduced before the Board of Supervisors on the 10th day of
20 March, 2009 and passed by the following vote on the 17th day of March, 2009.

21 AYES: Supervisors Comstock, Smith, Farrington and Rushing

22 NOES: None

23 ABSENT OR NOT VOTING: Supervisor Brown Absent

24 ATTEST: KELLY F. COX
25 Clerk of the Board of
26 Supervisors

27 By: Mirissa James
28 Deputy



29 Christine Rushing
30 Chair, Board of Supervisors

31 APPROVED AS TO FORM:
32 ANITA L. GRANT
33 County Counsel

34 By: Anita L. Grant