BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. 2895

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

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS
FOLLOWS:

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

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

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

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

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

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

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

"Sec. 3.4 Unmanaged, Neglected or Abandoned Pear and Apple Trees"
4.1 Any apple, pear trees or rootstock re-growth there from, which is determined to be unmanaged, neglected or abandoned is hereby declared a public nuisance if in the vicinity of commercial production and if the Lake County Agricultural Commissioner has received a written complaint from a commercial grower. All remedies, which are given by law for the prevention and abatement of a nuisance, apply to such nuisance.

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

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

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

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

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

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

AYES: Supervisors Comstock, Smith, Farrington and Rushing

NOES: None

ABSENT OR NOT VOTING: Supervisor Brown Absent.

Chair, Board of Supervisors

APPROVED AS TO FORM:
ANITA L. GRANT
County Counsel

ATTEST: KELLY F. COX
Clerk of the Board of Supervisors

Deputy

-2-

AN ORDINANCE AMENDING CHAPTER 3 OF THE LAKE COUNTY CODE PROVIDING FOR THE ABATEMENT OF NEGLECTED AND ABANDONED PEAR AND APPLE TREES