

ORDINANCE NO. 569
(AS AMENDED THROUGH 569.2)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
569 RELATING TO THE CONTROL OF LETTUCE MOSAIC DISEASE

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. Definitions. As used in this ordinance, the following words or phrases shall have the following meanings:

- a. **"Agricultural Commissioner"** means the Agricultural Commissioner of Riverside County, or his designated representative.
- b. **"Person"** means any individual, firm, partnership, joint venture, corporation, association, club or organization.
- c. **"Mosaic-tested lettuce seed"** means lettuce seed (*Lactuca* species) which has been tested at a testing facility approved by the Agricultural Commissioner and which has been found to have 0.0% mosaic in 30,000 seeds tested.

Section 2. Mosaic-tested Lettuce Seed. It shall be unlawful for any person in the County of Riverside to plant, sell for planting or transport for the purpose of sale or planting, lettuce seed (*Lactuca* species) which has not been mosaic tested.

Section 3. Exemption Permit. Notwithstanding the provisions of Section 2 of this ordinance, any person desiring to plant lettuce seed which has not been mosaic tested may apply to the Agricultural Commissioner for a permit to plant such seed. The application shall be in writing and shall contain such information as the Agricultural Commissioner may require. After investigation, if the Agricultural Commissioner finds that mosaic-tested lettuce seed is unavailable or that other good reason exists, he may issue a permit to plant lettuce seed which is not mosaic tested. In the course of his investigation, the Agricultural Commissioner may call upon other growers, committees of growers, or other qualified persons, for their advice and assistance.

Section 4. Destruction of Fields. Lettuce fields shall be destroyed, in a manner acceptable to the Agricultural Commissioner, within 15 days after the termination of harvest. The date of harvest termination shall be determined upon investigation by the Agricultural Commissioner.

Section 5. Variance. In the event of excessive flooding from rains or other unusual circumstances, the Agricultural Commissioner may grant a variance from full compliance with the requirements of Section 4 of this ordinance. This variance may be granted upon the showing that compliance has been accomplished to the fullest extent practicable. Before the issuance of any such variance, the Agricultural Commissioner shall document the extent of compliance and the reasons why full compliance is impracticable.

Section 6. Notice. If after an investigation, the Agricultural Commissioner finds that a field containing lettuce plants has been abandoned or that a harvested lettuce field has not been properly destroyed, he shall give the owner or occupant of such field written notice that the field shall be disced or that remaining lettuce plants be otherwise destroyed within a reasonable time and in a manner acceptable to the Agricultural Commissioner.

Section 7. Violation. It shall be unlawful for any person to violate any provision of this ordinance. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a

separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

This ordinance shall take effect 30 days after its adoption.

Adopted: 569 09/12/1978 (Eff: 10/12/1978)

Amended: 569.1 Item 3.4c of 05/02/1989 (Eff: 06/01/1989)

569.2 Item 3.12 of 10/03/1989 (Eff: 11/02/1989)