

Chapter 452

2017 EDITION

Vector Control

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PUBLIC HEALTH AND SAFETY

DEFINITIONS

452.010 Definitions for ORS 452.010 and 452.020 to 452.300. As used in this section and ORS 452.020 to 452.300, unless the context requires otherwise:

(1) "County court" includes board of county commissioners.

(2) "District" means a vector control district established for the prevention, control or eradication of public health vectors and predatory animals.

(3) "Health officer" means a local public health administrator as defined in ORS 431.003.

(4) "Integrated pest management methods" means the processes described in ORS 634.650 (1).

(5) "Pesticide use plan" means an annual plan created by a vector control district or a county court that describes anticipated pesticide use.

(6) "Predatory animals" has the meaning given that term in ORS 610.002.

(7) "Public health vectors" means arthropods and vertebrates of public health significance and those insects included within the family Chironomidae of the order Diptera. The term does not include any domesticated animal.

(8) "Vector habitat" means any area where public health vectors are found. [Amended by 1959 c.600 §1; 1961 c.610 §17; 1981 c.640 §§8; 1987 c.298 §1; 2007 c.258 §1; 2015 c.736 §97]

VECTOR CONTROL DISTRICTS

452.020 Formation of district. One or more districts may be formed in any county. The entire county may be included within a district or any portion of the entire county may be included. The district may include all or part of any incorporated cities in the county. [Amended by 1959 c.600 §2]

452.030 [Repealed by 1971 c.727 §203]

452.040 [Repealed by 1971 c.727 §203]

452.050 [Amended by 1959 c.600 §3; repealed by 1971 c.727 §203]

452.060 [Repealed by 1959 c.600 §4]

452.061 [1959 c.600 §3a; repealed by 1971 c.727 §191]

452.070 Substantial compliance suffices. No defect in the contents of the petition or notice or proceedings shall vitiate the validity of the proceedings, if the petition contains a sufficient number of qualified signatures and describes the territory proposed as a district with reasonable certainty and the published notice describes the territory and states the date and place of the hearing.

452.075 [1963 c.255 §2; repealed by 1971 c.727 §203]

452.080 Board of trustees; district name change. (1) After an order is entered forming a district, the county court of the county in which the district is situated shall forthwith appoint a governing board of five trustees each of whom shall be a resident and elector of the district.

(2) The trustees shall hold office for four years and until their successors are appointed and qualified, except that for each new board of five trustees one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years and two for a term of four years.

(3) Each trustee shall take an oath to faithfully perform the duties of office. The oath shall be filed with the county clerk.

(4) The board of trustees shall elect a president, a secretary and a treasurer at the first meeting of each calendar year. Officers shall serve for one calendar year.

(5) All health officers with offices in the district shall be ex officio members of the board without vote and shall be offered the opportunity to assist in the creation of district plans.

(6) The board of trustees may compensate a trustee in an amount not exceeding \$100 per year for attendance at conferences that provide training and education to carry out trustee duties under ORS 452.110.

(7) The board of trustees may adopt a resolution to change the name of the district. The board shall file a copy of a resolution changing the name of the district with the Secretary of State and the county clerk within 10 days after adopting the resolution. Following a name change, the district name must contain the words:

(a) Vector control district;

(b) Mosquito and vector control district;

(c) Mosquito control district; or

(d) Vector and predatory animal control district. [Amended by 1959 c.600 §5; 1967 c.215 §1; 1969 c.345 §10; 1971 c.403 §8; 1971 c.727 §136; 2007 c.258 §2]

452.090 Filling vacancies; removal. (1) A vacancy in an office of district trustee shall be filled by appointment by the county court. The appointee shall serve the balance of the unexpired term.

(2) The county court may remove any district trustee from office for cause. [Amended by 1969 c.669 §11]

452.100 Meetings of board. (1) The board of trustees shall provide for the time and place of holding and the manner of calling its meetings, and may establish rules for the proceedings.

(2) All sessions of the board shall be held within the district.

(3) In all cases a majority of the appointed members of the board shall constitute a quorum for the transaction of business. At any meeting the decision of a majority of the trustees present and voting shall be valid as a corporate act.

452.110 Powers of board; contracts. The board of trustees of a control district may:

(1) Take all necessary and proper steps and measures for the prevention, control or eradication of public health vectors and vector habitats within the district and for the control of predatory animals within the district, using integrated pest management methods. Prior to taking such measures the board shall consider technical information available to it for the purpose of determining the need for control measures and the need for specific actions.

(2) Enter upon any land, public or private, within the district at any reasonable time to inspect for or to prevent, control or eradicate public health vectors and vector habitats using integrated pest management methods.

(3) Purchase all needed equipment, supplies and materials.

(4) Employ such labor and service as may be proper or necessary in the furtherance of the objects of ORS 452.020 to 452.170.

(5) Employ labor and services and fix the compensation and prescribe the duties of all employees, agents and servants.

(6) Acquire by gift or purchase, hold, manage and dispose of real and personal property in the name of the district in the furtherance of the purposes for which the district is established.

(7) Work cooperatively with irrigation and drainage districts, municipal corporations or other public agencies, and use the technical expertise of the district to assist those agencies in the construction, improvement, repair and maintenance of ditches when such work is necessary for, or incident to, the prevention, control and eradication of predatory animals or public health vectors.

(8) Enter into a contract with a city, county, district described in ORS 198.010 or person to perform, or to act jointly or in co-operation with the city, county, district or person in performing, any abatement practice or other activity that the vector control district is authorized to perform for the eradication, control and prevention of public health vectors and vector habitats or predatory animals.

(9) Generally do all things necessary or incident to the powers granted and to carry

out the objectives specified in this section. [Amended by 1959 c.600 §6; 1981 c.640 §1; 1983 c.207 §1; 1987 c.298 §2; 2007 c.258 §3]

452.120 Duties of county court. The county court shall:

(1) Call special meetings of the board of the district for the purposes of investigation and supervision of its affairs. At least one meeting shall be called annually for the purpose of reviewing the activities of the district.

(2) Hold hearings of complaints of other interested persons.

(3) Require the board to furnish by February 1 of each year a proposed annual work program which shall include an estimate of funds required for the next year and a description of the work contemplated and the methods to be employed by the district.

(4) Approve, after consultation with the health officers, the annual work program of the district before any work contracts or operations are entered into by the board.

(5) Require the board to furnish by February 1 of each year an annual report covering moneys expended, methods employed and work accomplished during the past fiscal year. [Amended by 1959 c.600 §7; 1981 c.640 §9]

452.130 Payment for cost of vector control; exception. All work performed under ORS 452.110 shall be paid for by the control district, except when a contract authorized under ORS 452.110 (8) provides otherwise. [Amended by 1983 c.207 §2; 2007 c.258 §4]

452.140 Pesticide use; consent of State Fish and Wildlife Commission. The board of trustees of a district:

(1) May not apply pesticides to waters in the district that are frequented by waterfowl or that contain any game fish without obtaining annual approval of the State Fish and Wildlife Commission.

(2) May not apply pesticides for public health vectors without first obtaining approval of the State Fish and Wildlife Commission. [Amended by 1959 c.600 §8; 1981 c.640 §2; 2007 c.258 §5]

452.145 Limitation on predatory animal control. Notwithstanding ORS 452.110:

(1) A vector control district shall not exercise the authority granted by ORS 452.110 relating to the control or eradication of predatory animals unless the electors of the district approve a proposition referred to them by the district board that authorizes the district to assume the function of predatory animal control and eradication.

(2) When authorized to assume the function of predatory animal control and eradication by the electors of the district, a vector control district shall conduct its ac-

tivities for the control and eradication of predatory animals in accordance with the provisions of ORS chapter 610.

(3) Officers and employees of a vector control district shall not enter upon any private land to inspect for or to control predatory animals unless the owner of the land first grants permission for such entry. [1987 c.298 §4]

452.150 [Repealed by 1959 c.600 §9 (452.151 enacted in lieu of 452.150)]

452.151 Technical advice. The board may request technical advice and information from the Oregon State University Agricultural Experiment Station and the Oregon Health Authority regarding methods and chemicals to be used in the control and extermination of rats and public health vectors. [1959 c.600 §10 (enacted in lieu of 452.150); 1981 c.640 §3; 2001 c.104 §189; 2009 c.595 §875]

452.153 Budget; taxing authority; rate limitation. (1) The board of trustees of any district, annually as provided in this section, may levy a tax on all the property in the district to provide moneys for all purposes required under ORS 452.020 to 452.170 during the next succeeding fiscal year. However, the taxes levied under this section may not exceed two-tenths of one percent (0.002) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(2) Each year, immediately after necessary records are made, the county assessor of the county in which the district is situated shall transmit to the board of trustees a statement in writing, showing the total value of all property within the district as ascertained for that year from the assessment rolls of the county.

(3) The board of trustees shall prepare a budget in the form, manner and time prescribed in the Local Budget Law and in accordance therewith fix the amount of money to be raised by taxation for carrying out its functions and activities. In the manner and time prescribed by law, the board shall transmit to the county assessor a statement of taxes that are to be collected. Assessment and collection of taxes levied on property within the district shall be made by the county officers charged with assessment and collection of other property taxes in the county in which the district is situated. [1965 c.609 §2; 1967 c.205 §1; 1973 c.256 §1; 1981 c.640 §10; 1991 c.459 §407]

452.157 Collection of levy under ORS 452.153; deposit; disbursement; levy as lien. (1) Taxes levied under ORS 452.153 shall be collected at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the county treasurer and deposited, at the

discretion of the board, either with the county treasurer of the county in accordance with subsection (3) of this section or in one or more banks or savings and loan associations designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the treasurer of the board and countersigned by the president of the board.

(2) Taxes levied under ORS 452.153 shall be a lien upon the property against which they are levied and shall be of the same force and effect as other liens for taxes. Their collection shall be enforced by the same means as provided for the enforcement of liens for county property taxes.

(3) District funds deposited with the county treasurer shall be deposited in a separate fund to the credit of the district. The county treasurer shall disburse the moneys upon the warrant of the district signed by the president of the board and countersigned by the treasurer of the board.

(4) The board may by resolution designate a treasurer pro tempore or a president pro tempore who may sign warrants or checks on behalf of the treasurer of the board and president of the board respectively. [1965 c.609 §3; 1981 c.640 §11]

452.158 Filing boundary change with county assessor and Department of Revenue. For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §36]

Note: 452.158 was added to and made a part of 452.020 to 452.300 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

452.160 Budget estimates; rate limitation; levy; deposit and disbursement; levy as supplement to levy under ORS 452.153.

(1) In addition to or in lieu of the tax levy provided for by ORS 452.153, the board of trustees of any district may, at the times and in the manner provided by law for public corporations, furnish to the county court and county accountant an estimate and statement, made pursuant to the budget laws of the state, of the amount of money necessary for all purposes required under ORS 452.020 to 452.170 during the next ensuing fiscal year. The county court may include the amount of the estimate so made, or any portion thereof, in the annual budget of the county. However, in no one year shall the amount be greater than enough to raise the amount determined by the board of trustees and approved by the county court and the health officers on the board. The amount budgeted, when added to any taxes levied

under ORS 452.153, shall not exceed two-tenths of one percent (0.002) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(2) The county court, thereafter at the time and in the manner of levying taxes for state and county purposes, may levy a tax on all the taxable property in the district sufficient to raise the amount of the estimate made by the board of trustees of the district.

(3) All taxes levied under this section shall be computed and entered on the assessment and tax rolls of the county and collected at the same time and in the same manner as state and county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district. Such funds may be withdrawn only upon warrants issued by the proper authorities of the district. [Amended by 1959 c.600 §11; 1963 c.9 §28; 1965 c.609 §5; 1981 c.640 §12; 1983 c.310 §20; 1991 c.459 §408]

452.170 Deposit and disbursement of moneys collected. All money received from taxes collected for the use of any control district under ORS 452.160 shall be paid to the county treasurer of the county in which the district is situated. The county treasurer shall keep the moneys in a separate fund to the credit of the district and disburse them upon the warrant of the district signed by the president of the board, and countersigned by the treasurer of the board. [Amended by 1959 c.600 §12; 1965 c.609 §6; 1981 c.640 §13]

452.180 [1963 c.255 §3; repealed by 1971 c.727 §203]

CONTROL OF VECTORS (By Counties)

452.210 County contracts with cities, vector control districts or other counties on vector control. Any county court may contract with any incorporated city, any vector control district, or with the county court of any other county on any matter incident to the eradication, prevention and control of public health vectors and vector habitats using integrated pest management methods and for the supervision of such work by county employees. [Amended by 1959 c.600 §13; 2007 c.258 §6]

452.220 [Amended by 1959 c.600 §14; repealed by 1983 c.537 §7]

452.230 Rights under contract. The officers and agents of such other county, vector control district or municipality acting by authority of such contract shall have the same right of entry, inspection and treatment as the agents and employees of the county seeking to control the public health vectors. [Amended by 1959 c.600 §15]

452.240 Powers of county regarding vector control.

Any county court may:

(1) Take all necessary or proper steps and measures for the prevention, control or eradication of public health vectors using integrated pest management methods.

(2) Abate as nuisances all vector habitats.

(3) Purchase such supplies and materials and employ or contract for such labor as may be necessary or proper in furtherance of prevention, control or eradication.

(4) Fix the compensation and prescribe the duties of all employees, agents and servants.

(5) Enter upon all places within the county and adjacent thereto for the purpose of carrying out this section.

(6) Cut or remove such shrubbery or undergrowth as is necessary or proper in order to carry out this section.

(7) Treat, using integrated pest management methods places where public health vectors are found or are likely to exist.

(8) Generally do any and all things necessary or incident to the powers granted in ORS 452.230 to 452.250 and to carry out the objectives specified in this section. [Amended by 1959 c.600 §16; 1981 c.640 §14; 2007 c.71 §138; 2007 c.258 §7]

452.245 Pesticide use; consent of State Fish and Wildlife Commission.

In exercising its powers under ORS 452.210 to 452.250, a county court:

(1) May not order the application of pesticides to waters in the county that are frequented by waterfowl or that contain any game fish without obtaining annual approval of the State Fish and Wildlife Commission.

(2) May not order the application of pesticides for public health vectors without first obtaining the approval of the State Fish and Wildlife Commission. [1981 c.640 §5; 2007 c.258 §10]

452.250 Interference prohibited. No person shall knowingly or willfully hinder or interfere with or prevent the exercise of any powers conferred under ORS 452.230 to 452.250 or do or perform any act or thing which will destroy or impair the efficiency of any device or means used for the control or extermination of public health vectors or their larvae. [Amended by 1959 c.600 §17]

(By State)

452.300 Oregon Health Authority vector control program. (1) The Oregon Health Authority shall maintain a program of public health vector control, which program shall include, but not be limited to:

(a) Monitoring and investigating public health vectors, vector habitats and vector-borne diseases.

(b) Providing technical assistance and information to vector control districts, local vector control programs and the public.

(c) Maintaining training programs for vector control district personnel and other public health personnel.

(d) Coordinating and assisting vector control district programs and other local programs in research projects.

(e) Reviewing vector control program pesticide use plans submitted by agencies that intend to use pesticides for vector control. Agencies must obtain authority approval of their annual pesticide use plan prior to pesticide applications.

(2) The authority may provide an amount not to exceed \$5,000 per year in matching funds to a district for a program to allow the district to carry out disease surveillance in cooperation with public health personnel. [1981 c.640 §7; 2007 c.258 §8; 2009 c.595 §876]

452.310 [1953 c.666 §2; repealed by 1957 c.450 §13]

452.320 [1953 c.666 §1; repealed by 1957 c.450 §13]

452.330 [1953 c.666 §3; repealed by 1957 c.450 §13]

452.340 [1953 c.666 §5; repealed by 1957 c.450 §13]

452.350 [1953 c.666 §6; repealed by 1957 c.450 §13]

452.360 [1953 c.666 §7; repealed by 1957 c.450 §13]

452.370 [1953 c.666 §8; repealed by 1957 c.450 §13]

452.380 [1953 c.666 §9; repealed by 1957 c.450 §13]

452.390 [1953 c.666 §10; repealed by 1957 c.450 §13]

452.400 [1953 c.666 §11; repealed by 1957 c.450 §13]

452.410 [1953 c.666 §12; repealed by 1957 c.450 §13]

452.420 [1953 c.666 §4; repealed by 1957 c.450 §13]

452.510 [1957 c.450 §1; 1965 c.426 §1; 2001 c.104 §190; repealed by 2009 c.98 §31]

452.520 [1957 c.450 §2; repealed by 2009 c.98 §31]

452.530 [1957 c.450 §§3,4,9; 2009 c.595 §877; repealed by 2009 c.98 §31]

452.540 [1957 c.450 §8; repealed by 2009 c.98 §31]

452.550 [1957 c.450 §5; 1991 c.331 §63; 1997 c.631 §473; repealed by 2009 c.98 §31]

452.560 [1957 c.450 §6; repealed by 2009 c.98 §31]

452.570 [1957 c.450 §7; repealed by 2009 c.98 §31]

452.580 [1957 c.450 §10; repealed by 2009 c.98 §31]

452.590 [1957 c.450 §11; repealed by 2009 c.98 §31]

452.610 [1975 c.555 §2; 2009 c.98 §12; renumbered 569.175 in 2009]

452.615 [1975 c.555 §3; 2009 c.98 §13; renumbered 569.180 in 2009]

452.620 [1975 c.555 §4; 1985 c.565 §73; 2003 c.794 §283; 2009 c.98 §14; renumbered 569.185 in 2009]

452.625 [1975 c.555 §5; 2009 c.98 §15; renumbered 569.190 in 2009]

452.630 [1975 c.555 §6; 2009 c.98 §16; renumbered 569.195 in 2009]

PENALTIES

452.990 **Penalties.** Violation of ORS 452.250 is a Class C misdemeanor. [Subsection (2) enacted as 1975 c.555 §7 and removed by 2009 amendment; 1977 c.582 §49; 1999 c.1051 §184; 2009 c.98 §17]

PUBLIC HEALTH AND SAFETY
