



## ORDINANCE No. 4559

### THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8.19, The Pierce's Disease/Glassy-winged Sharpshooter Complex, is hereby added to Title 8 of the El Dorado County Ordinance Code as follows:

8.19.010 Introduction and Purpose. The Glassy-winged Sharpshooter, (GWSS) *Homalodisca coagulata*, is a serious pest that is capable of transmitting Pierce's Disease, *Xylella fastidiosa*, neither of which is known to occur in El Dorado County. This ordinance is to protect the El Dorado County agriculture industry, particularly the wine grape industry, from the introduction of the *Homalodisca coagulata*, Glassy-winged Sharpshooter, which is a vector of *Xylella fastidiosa*, the causal agent of Pierce's Disease, and to treat any infested sites, subject to feasibility.

8.19.020 Definitions.

"Agricultural Commissioner" shall mean the Agricultural Commissioner of El Dorado County.  
"County" shall mean the County of El Dorado.

"Host Material and Carriers" shall mean shipments of bulk grapes and all plant/nursery stock identified as a glassy-winged sharpshooter (GWSS) oviposition or food host plant by the California Department of Food and Agriculture (CDFA), except when in the form of seeds, bulbs, stolons, tubers, corms, pips, buds, or when otherwise specified by CDFA.

"Shipment" shall mean any article or thing, which is, may be, or has been transported from one place to another place.

"Person" shall include firms, corporations, companies or associations.

"Infestation" shall mean the detection of five or more adult GWSS within any five-day period and within a 300-yard radius, or if a fresh viable GWSS egg mass or nymph is found other than in association with a shipment of plant material, or if multiple GWSS life stages are present in a non-regulatory situation. If no additional GWSS are detected within one complete GWSS life cycle, the infestation designated may be removed by the CDFA.

"Infested Area" shall mean that area within one (1.0) mile of a GWSS infestation.

"Infested County" shall mean one in which one or more GWSS infested areas are located as confirmed by the CDFA. Counties may be designated as partially infested after surveys have been completed to the satisfaction of the CDFA.

8.19.030 Findings. The Glassy-winged Sharpshooter, *Homalodisca coagulata*, is a serious grape pest not known to occur in El Dorado County. This insect is a vector of the Pierce's disease

bacteria, *Xylella fastidiosa*, which causes the rapid decline and death of grape vines. Once established, there is no economically feasible control of the insect to mitigate the spread of Pierce's disease. There is no efficacious treatment for grape vines infected with Pierce's disease. Economic losses would be suffered by the County's grape industry if this insect pest were introduced. The State of California has no quarantine against the Glassy-winged Sharpshooter. This ordinance provides protection to the County's grape industry.

8.19.040 Restrictions on Movement of Plant/Nursery Stock. No person shall move or ship into the County any host plant from an infested county, except under the following conditions:

1. The shipment is transiting the County to a destination outside of the County without undue delay or diversion; or,
2. The shipment has been treated with a registered pesticide following label requirements, approved by the CDFA, to eliminate GWSS; or,
3. The Agricultural Commissioner of the origin county has inspected and found the shipment free of GWSS; or,
4. The shipment originates from a non-infested premise as determined by the Agricultural Commissioner at origin; and,
5. Each shipment, except transiting shipments, shall be accompanied by a certificate issued by the Agricultural Commissioner of the origin county affirming that the shipment is in compliance with the requirements of this ordinance. Alternative certification procedures may be used when the shipper has signed and is operating under a compliance agreement with the Agricultural Commissioner of the origin county to ensure that the requirements of this ordinance are met.

8.19.050 Restrictions on Movement of Bulk Grapes. No person shall move or ship into the County any bulk grapes from an infested county, except under the following conditions:

6. The shipment is transiting the County to a destination outside of the County without undue delay or diversion; or,
7. The shipment has been treated with a registered pesticide following label requirements, approved by the CDFA, to eliminate GWSS; or,
8. The shipment originates from a non-infested vineyard as determined by surveys conducted by the Agricultural Commissioner at origin and the grapes are monitored for GWSS prior to and during harvest; or,
9. The shipment is being moved under a CDFA approved pest mitigation protocol which requires both origin and

destination county compliance agreements; and,

10. Each shipment, except transiting shipments, shall be accompanied by a certificate issued by the Agricultural Commissioner of the origin county affirming that the shipment is in compliance with the requirements of this ordinance. Alternative certification procedures may be used when the shipper has signed and is operating under a compliance agreement with the Agricultural Commissioner of the origin county to ensure that the requirements of this ordinance are met.

8.19.060 Abatement of the Glassy-winged Sharpshooter. Shipments of restricted host material, arriving without certification or in which a viable GWSS life stage is detected, will be treated or destroyed under the supervision of the Agricultural Commissioner, returned to origin, or shipped to an approved destination within the infested area. The owner of the shipment is responsible for the costs of the aforementioned options. The Agricultural Commissioner may charge the owner of the shipment for the cost of supervising the treatment or destruction of the shipment.

If a Glassy-winged Sharpshooter infestation is detected in any agricultural setting within the County, including but not limited to vineyards, orchards, or production or retail nurseries, the pest shall be treated at the cost of the property owner or leaseholder, in a manner approved by and under the supervision of the Agricultural Commissioner. If the aforementioned treatment is not conducted as required by the Agricultural Commissioner, the pest shall be abated as provided in Section 5401 *et seq.* of the Food and Agricultural Code of California.

If a GWSS infestation is detected in urban or residential areas of the County, the infestation will be delimited and eradicated where feasible. If eradication is not feasible, the perimeter of the infestation will be monitored and the infestation will be contained within the smallest possible area.

8.19.070 Movement of Host Material From Infested Locations. Host material from a nursery, vineyard, orchard, or other area in the County in which a Glassy-winged Sharpshooter infestation has been detected is prohibited movement from said location unless the host material is treated, handled, or processed under the supervision of the Agricultural Commissioner. The Agricultural Commissioner may charge the owner of the shipment for the cost of supervising said activities.

8.19.080 Criminal Law Enforcement of Ordinance. Any person, firm, partnership, association, or corporation who violates or causes the violation of any provision of the ordinance shall be guilty of a misdemeanor which, upon conviction thereof, shall be punishable by a fine up to a maximum amount allowed for a misdemeanor by Section 19, California Penal Code, or by

imprisonment in the El Dorado County jail for period of up to the maximum period allowed for a misdemeanor by Section 19, California Penal Code, or by both such fine and imprisonment.

Section 2. Urgency Finding and Effective Date of Ordinance. This ordinance shall take effect immediately upon adoption based upon the findings presented below:

A. The Pierce's Disease/Glassy-winged Sharpshooter Complex is an extremely serious risk to El Dorado County Agriculture in general.

B. Delay in enforcing the terms of this ordinance could cause irreparable damage to a currently healthy El Dorado County agriculture industry, especially, but not limited to, the thriving grape growing industry.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 27<sup>th</sup> day of June, 2000, by the following vote of said Board: