

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 34

BEING A BY-LAW TO CONTROL THE INFESTATION BY NOXIOUS AND DESTRUCTIVE INSECTS

WHEREAS by Section 870(L) of the Municipal Act and Supplementary Letters Patent, the Regional Board may, by by-law require the owners or occupiers of real property or their agents, to prevent infestation thereof by noxious or destructive insects as hereinafter defined and to control on such property noxious or destructive insects: and

WHEREAS it is deemed advisable and expedient that for the protection of property owners generally in the Regional District of Central Okanagan, as hereinafter described, such powers be exercised; and necessary and sufficient regulatory measures be enacted;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in open meeting assembled, ENACTS as follows;

1. This By-law may be cited for all purposes as the "Regional District of Central Okanagan Noxious Insect Control By-law 34, 1971"
2. This By-law shall apply for all purposes to all that tract of land known and described as the Regional District of Central Okanagan in the Letters Patent or in subsequent amendments incorporating the Regional District, excluding thereout the Municipality of the City of Kelowna."

1. INTERPRETATION

3. In this By-law, unless the context otherwise requires:

"AGENT" shall include the operator or lessee of any real property for agricultural or other purposes.

"DESIGNATED AREA" shall mean Regional District of Central Okanagan, as described in Section 2, of this By-law.

"INFESTED CONDITION" shall mean an existing condition of any real property, or trees, or brush, whether such trees or brush be living or dead, or other growth thereon, or fruit therefrom, which due to the presence of any noxious or destructive insects as herein designated, in the opinion of the Inspector, constitutes or is likely to constitute a menace to the fruit or fruit trees of other owners or occupiers of real property or their agents within the designated area.

"INSPECTOR" shall mean the Inspector appointed by the Regional District of Central Okanagan and authorized by the Regional Board at any time or from time to time to enforce and carry out the provisions of this By-law.

"NOXIOUS OR DESTRUCTIVE INSECTS" shall be the following:

- (a) Codling moths: *Carpocapsa pomonella* (1)
- (b) Scales: San Jose - *Aspidiotus perniciosus*(Comstock)
European Fruit - *Aspidiotus ostreaeformis* Curt
- (c) Shot-Hole Borer - *Scolytus rugulosus*(Ratzenburg)
- (d) Pear Psylla(*Psyllia*) *Pyricola* (Forster)
- (e) Cherry Fruit Flies - *Rhagoletis* Species
- (f) Ambrosia Beetle - *Anisandrus* Species

"OCCUPIER" shall have the meaning given to it by Section 2 of the "Municipal Act".

"OWNER" shall have the meaning given to it by Section 2 of the "Municipal Act".

"REGIONAL BOARD" shall mean the Regional Board of the Regional District of Central Okanagan holding office for the time being.

"ELECTORAL AREA" shall mean an Electoral Area of the Regional District of Central Okanagan as described in the Letters Patent.
or Director

"ELECTORAL AREA DIRECTOR" shall mean the elected Director of the Regional Board of the Regional District of Central Okanagan, representing the Electoral Area within which the inspection is to occur.

"ALTERNATE" shall mean the alternate Director as provided for in Section 774(1) of the "Municipal Act".

"ADMINISTRATOR" shall mean the Administrator for the Regional District of Central Okanagan.

"MAYOR" shall mean the Mayor of the Corporation of the District of Peachland.

"DEPUTY MAYOR" shall mean the Deputy Mayor of the Corporation of the District of Peachland.

"COUNCIL" shall mean the Council of the Corporation of the District of Peachland.

11 REGULATION

4. All owners and occupiers of real property situate within the designated area, or their agents, are hereby required to prevent and control the infestation of such real property by noxious or destructive insects as herein designated.
5. All owners and occupiers of real property situate within the designated area, or their agents, are hereby further required, when such real property is or is likely to become in an infested condition, to clear forthwith such real property of noxious or destructive insects herein designated, by spraying or removing and destroying any trees, fruit, brush, or other growths in an infested condition on direction of the Inspector.

111 ENFORCEMENT

6. (1) The Regional Board may by Resolution at any time or from time to time appoint an Inspector for the purposes of enforcing the provisions of this By-law, and such Inspector shall be known as the Regional District of Central Okanagan Noxious Insect Control Inspector, hereinafter referred to as the "Inspector."
7. (1) The Inspector shall receive in writing any complaints or requests for inspection and/or shall have the right to enter upon any real property within the designated area at any reasonable time for the purpose of inspecting real property, or any trees, or brush, whether such trees or brush be living or dead, or other growths situate thereon, or fruit therefrom, to ascertain whether the said real property or any of the said trees, fruit, brush, or other growths is or is likely to become in an infested condition.

(2) For the purpose of sub-section (1) of this section, the Inspector may do such things and perform such tests, analyses, or other acts as may be necessary on the said living or dead, or other growths situate thereon, or fruit therefrom, in order to determine whether any of the said trees, fruit, brush, or other growths is or is likely to become in an infested condition.
8. (1) If the Inspector in his discretion, determines that any particular real property within the designated area, or any particular

tree or trees, or brush, whether such trees or brush be living or dead, or other growths situate thereon, or any fruit therefrom, is or is likely to become in an infested condition, shall report the existence of such condition to the Director, together with his recommendation in relation thereto, and after consultation with the Director or the Mayor, the Inspector may, if deemed advisable, forthwith advise the owner or occupier, or his agent, in writing of such condition and require the owner or occupier of such real property, or his agent, to remove the infested condition by means of a spray programme as recommended by the British Columbia Department of Agriculture, or by the removal and destruction of any fruit, or trees, or brush, whether such trees or brush be living or dead, or other growths, deemed to be in an infested condition, within seven(7) days from the date of posting of the notice of the condition.

(2) Where the owner of any real property is not the occupier or the agent, any written notice to be given by sub-section (1) of this section shall be given to the owner and the occupier or agent of the said property.

(3) Any written notice to be given by sub-section(1) of this section shall be deemed to be validly given if delivered personally or mailed to the owner and occupier, if any, of the real property in question and his agent, if any, by prepaid registered mail and addressed to such owner, occupier, and agent in care of the ordinary postal address for such real property.

9. If after the expiry of seven(7) days from the date of the notice given pursuant to section 8, the infested condition has not been removed by the owner or occupier of the real property in question, or his agent, to the satisfaction of the Inspector, it shall be lawful for the Regional District of Central Okanagan, by its workmen and others, to enter upon such real property and effect the removal of the condition by spraying or removing and destroying any fruit, or trees, or brush, whether such trees or brush be living or dead, or other growths as may be necessary under the circumstances, at the expense of the person so defaulting; and the charges incurred by the Regional District of Central Okanagan, or by the Corporation of the District of Peachland for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrears.

IV GENERAL PROVISIONS

10. (1) This By-law or amendments thereto shall be published by posting a copy thereof in the office of the Regional District of Central Okanagan and by publishing a synopsis of the By-law or amendment thereto in two consecutive issues of the "Kelowna Daily Courier", "Rutland Progress" and "Westbank-Peachland Advertiser."

(2) The publication of the said By-law or amendments thereto shall be deemed to have been duly affected at the time of such posting, and the By-law and amendments thereto shall come into force and effect after the expiration of forty-eight(48) hours from the date of the final adoption of the By-law or amendments thereto by the Regional Board.

11. This By-law Repeals and Replaces By-law #5, 1969.

READ THE FIRST TIME this 17th day of February 1971

READ THE SECOND TIME this 17th day of February 19 71

READ THE THIRD TIME THIS 17th day of February 1971

RECONSIDERED AND ADOPTED this 7th day of April 1971

M. C. Burnett
Chairman

[Signature]
Secretary-Treasurer

APPROVED by the Minister of Agriculture this 10th day of March 1971

Cyril M. Sheford
Minister of Agriculture

I hereby certify the foregoing to be a true and correct copy of the By-law No. 34 cited as "Regional District of Central Okanagan Noxious Insect Control By-law #34, 1971" as read a third time by the Board on the 17th day of February 1971. Dated at Kelowna, B.C. this 19th day of February, 1971.

[Signature]
Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of the By-law No. 34 cited as "Regional District of Central Okanagan Noxious Insect Control By-law #34, 1971" as adopted by the Regional Board on the 7th day of April, 1971. Dated at Kelowna, B.C. this 13th day of April, 1971.

[Signature]
Secretary-Treasurer