

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 128

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Being a by-law to control the infestation by noxious and destructive insects.

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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 No. 128, 1977"
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.

(I) 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 constitutes or is likely to constitute a menace to the fruit or fruit trees or other owners or occupiers of real property or their agents within the designated area.

"Inspector" shall mean the Inspector appointed by the Administrator 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: *Carposapsa Pomonella* (l)
- (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".

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

#### (II) REGULATION

4. All owners and occupiers of real property situate within the designated area, or their agents, shall prevent the infestation of such real property by noxious or destructive insects.
5. All owners and occupiers of real property situate within the designated area, or their agents, shall immediately clear such property of noxious or destructive insects by spraying or removing and destroying any trees, fruit, brush, or other growths in an infested condition on direction of the Inspector.

#### (III) ENFORCEMENT

6. (1) The Administrator may 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 may enter, at all reasonable times, upon any property subject to the regulations of this by-law, in order to ascertain whether the regulations of this by-law are being obeyed.  
 (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 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, the Inspector shall 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 program as recommended by the British Columbia Department of Agriculture, or by the removal and destruction or by both a spray program and 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 seventy-two (72) hours 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 pre-paid 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 72 hours from the date of 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, 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 infested condition by either spraying or removing and destroying, or by both spraying and removing and destroying any fruit, or trees or brush, whether such trees or brush be living or dead, or other growths, 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 31st 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

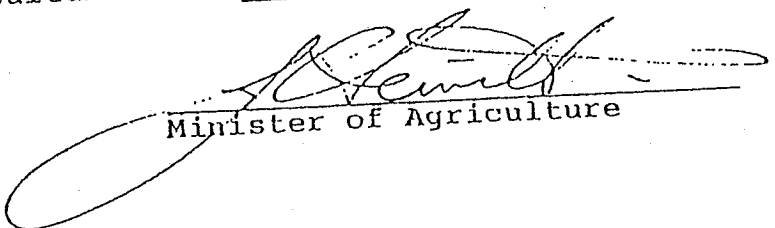
10. (1) This By-law or amendments thereto shall be published by posting a copy thereof in the office of the Regional District of Central Okanagan and by publishing a synopsis of the By-law or amendment thereto in two consecutive issues of the "Kelowna Daily Courier", "Rutland Progress" and "Westbank-Peachland 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 #34, 1971 and By-law #47, 1972.

READ A FIRST TIME THIS 24th DAY OF January, 1977  
READ A SECOND TIME THIS 24th DAY OF January, 1977  
READ A THIRD TIME THIS 24th DAY OF January, 1977  
RECONSIDERED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1977

Approved by the Minister of Agriculture this 15th day of February, 1977.


  
Minister of Agriculture

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Chairman

I hereby certify the foregoing to be a true and correct copy of the By-law No. 128 cited as "Regional District of Central Okanagan Noxious Insect Control By-law #128, 1977" as read a third time by the Board on the 24th day of January, 1977.  
Dated at Kelowna, B.C. this 27th day of January, 1977.

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Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of the By-law No. \_\_\_\_\_ cited as "Regional District of Central Okanagan Noxious Insect Control By-law # \_\_\_\_\_, 1977 as adopted by the Regional Board on the \_\_\_\_\_ day of \_\_\_\_\_, 1977.  
Dated at Kelowna, B.C. this \_\_\_\_\_ day of \_\_\_\_\_, 19

  
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Secretary-Treasurer

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Secretary-Treasurer