

**REGIONAL DISTRICT OF CENTRAL OKANAGAN**  
**BYLAW NO. 1209**

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A Bylaw to Regulate Nuisance(s) from Intensive Agricultural Operations within the Regional District of Central Okanagan

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WHEREAS under Sections 724 and 725 of the *Local Government Act* a Regional District can regulate or prohibit the making of noises and prevent, abate and prohibit nuisances;

WHEREAS the Regional Board of the Regional District of Central Okanagan deems it expedient to enact a Bylaw to regulate, prohibit or impose requirements respecting non-normal intensive agricultural operations;

AND WHEREAS agricultural operations that contravene applicable Provincial standards and enactments on land designated for agriculture, including Bylaw requirements of the Regional District, create risks to the health and safety of adjacent property owners, and reduce the quality of life through the nuisance(s) that they cause;

NOW THEREFORE the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

1. **Definitions** – In this Bylaw:

“**Bylaw Enforcement Officer**” means a Bylaw Enforcement Officer or any other Official appointed to enforce this Bylaw by the Regional District;

“**Intensive agriculture**” has the same meaning as defined in the *Local Government Act*;

“**Normal farm practice**” means a normal farm practice as defined in the *Farm Practices Protection (Right to Farm) Act*;

“**Person**” means any company, corporation, occupier, owner, partnership, firm association, society or party.


“**Regional Board**” means the Board of the Regional District, and;

“**Regional District**” means the Regional District of Central Okanagan.

2. **Nuisance Prohibition** – No person shall allow or permit intensive agriculture which result in any odour, noise, dust or other disturbance or nuisance that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
3. **Exception** – No person commits an offence under Section 2 where the intensive agriculture operation is conducted in accordance with normal farm practices.

4. **Enforcement** – No prosecution or proceeding to enforce this Bylaw shall be commenced unless:
  - (a) the complainant has made a complaint regarding the nuisance or disturbance to the Farm Practices Board pursuant to Section 3 of the *Farm Practices Protection (Right to Farm) Act*;
  - (b) the Farm Practices Board has determined that the nuisance or disturbance does not result from a normal farm practice, and;
  - (c) the person responsible for the nuisance or disturbance fails to comply with the determination or order of the Farm Practices Board;
  
5. **Inspection** – Despite Section 4, the Bylaw Enforcement Officer may enter at all reasonable times onto any property in which intensive agriculture is conducted to ascertain whether the provisions of this Bylaw or any order or determination of the Farm Practices Board are being met.
  
6. **Offence** – Every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw shall be liable on summary conviction to a penalty not exceeding the maximum penalty specified in the *Offence Act* (British Columbia) from time to time. Each day that a violation continues to exist is a separate offence against this Bylaw.
  
7. **Citation** – This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Intensive Agricultural Operations Nuisance Bylaw No. 1209, 2007".

|                               |      |        |       |       |
|-------------------------------|------|--------|-------|-------|
| READ A FIRST TIME THIS        | 16th | DAY OF | April | 2007. |
| READ A SECOND TIME THIS       | 16th | DAY OF | April | 2007. |
| READ A THIRD TIME THIS        | 28th | DAY OF | May   | 2007. |
| RECONSIDERED AND ADOPTED THIS | 28th | DAY OF | May   | 2007. |

  
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 CHAIR

  
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 DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1209 cited as the "Regional District of Central Okanagan Intensive Agricultural Operations Nuisance Bylaw No. 1209, 2007", as read a third time and adopted by the Regional Board on the 28th day of May, 2007.

Dated at Kelowna, B.C. this  
 29<sup>th</sup> day of May, 2007.

  
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 DIRECTOR OF CORPORATE SERVICES