

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 5

REVENUED
BY-LAW # 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 1969"
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 Inspection Committee, constitutes or is likely to constitute a menace to the fruit or fruit trees of other owners or occupiers of real property of their agents within the designated area.

"INSPECTION COMMITTEE" shall mean the Regional District of Central Okanagan Noxious Insect Control Committee constituted pursuant to the provisions of this By-Law 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 (L).
- (B) Scales: San Jose - Aspidiotus perniciosus (Comstock)
European Fruit - Aspidiotus ostreaeformis Curt
- (C) Shot-Hole Borer - Scolytus Augulosis (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.

"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 acting as Administrator for the Inspection Committee.

"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.

4. 11 REGULATION

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 Inspection Committee.

111 ENFORCEMENT

6. (1) The Regional Board may by Resolution at any time or from time to time appoint a Committee of the Regional Board for the purposes of enforcing the provisions of this By-Law, and such Committee shall be known as the Regional District of Central Okanagan Noxious Insect Control Committee, hereinafter referred to as the "Inspection Committee."

(2) All members of the Inspection Committee shall serve without remuneration.

6. Enforcement (Cont'd)

- (3) The Inspection Committee shall consist of, in the case involving an Electoral Area:
 - (A) The Electoral Area Director or his alternate
 - (B) Two representatives of the British Columbia Fruit Growers Association local of the Electoral Area within which the inspection is to occur.
 - (C) The Administrator of the Regional District of Central Okanagan, subject to Section 6 (5)(B).
 - (D) Any other members as the Board deems necessary subject to Section 6 (5)(C)
 - (4) The Inspection Committee shall consist of, in a case involving the Corporation of the District of Peachland:
 - (A) The Mayor, or some other Council member appointed by the Mayor
 - (B) Two representatives of the Peachland local of the British Columbia Fruit Growers Association.
 - (C) Two Alderman, appointed to the Inspection Committee by the Council.
 - (5)
 - (A) The Electoral Area Director, or his alternate shall be the Chairman of the Inspection Committee, or in a case involving the Corporation of the District of Peachland, the Mayor or Deputy Mayor shall be the Chairman of the Inspection Committee, or some other Council member appointed by the Mayor.
 - (B) The Administrator shall be an ex officio member of the Inspection Committee and shall act as Administrator of the Inspection Committee
 - (C) The members appointed pursuant to Clauses B and D of Section 6, sub-section (3) may be appointed from time to time by resolution of the Regional Board and shall hold office for (1) one year or until a successor is appointed, whichever is the latter, and such member may be re-appointed for a further term or terms.
7. (1) The Chairman of the Inspection Committee shall receive in writing and determine in consultation with the other members of the Committee, any complaints or requests for inspection.
- (2) The Inspection Committee or any member or members thereof or any agent authorized by the Committee, shall have the right to enter upon any real property within the designated area at any reasonable time for the purpose of inspecting the said 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.
- (3) For the purpose of sub-section (2) of this section, the Inspection Committee, or any member or members thereof, or any agent authorized by the Committee, 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 Inspection Committee, in its discretion, determine

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 Committee shall report the existence of such condition to the Administrator, together with their recommendation in relation thereto, and upon receipt of notice of such condition from the Inspection Committee, the Administrator 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 standard 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 of 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 Inspection Committee, 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 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 in two consecutive issues of the "Kelowna Daily Courier", "Rutland Progress" and "Westbank-Peachland Advertiser."
- (2) The publication of the said By-Law shall be deemed to have been duly affected at the time of such posting, and the By-Law 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 by the Regional Board.

READ THE FIRST TIME THIS 4TH day of NOV 1969.

READ THE SECOND TIME THIS 4TH day of NOV 1969.

READ THE THIRD TIME THIS 4TH day of NOV 1969.

RECONSIDERED AND ADOPTED THIS 7TH day of JANUARY 1969. 1970

W. C. Bennett
 CHAIRMAN

[Signature]
 ADMINISTRATOR

I HEREBY CERTIFY that this is a true copy of By-Law No. 5 of the Regional District of Central Okanagan.

[Signature]
 ADMINISTRATOR.

APPROVED by the Minister of Agriculture this 1st day of DECEMBER 1969

Cyril M. Shelton
 Minister of Agriculture