

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 59

(Consolidated for Convenience Only – Refer to Original Bylaw)

A Bylaw to control infestation by noxious and destructive Insects.

WHEREAS pursuant to the provisions of Section 870 (L) of the Municipal Act and Supplementary Letters Patent, the Regional Board may by by-law require the owners and 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

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

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

1. This By-law may be cited for all purposes as the “**Noxious Insect Control Bylaw No. 59, 1972**”.

APPLICATION:

2. This Bylaw shall be in full force and effect in Electoral Areas A, B, C, D, E and F ~~only~~ of the Regional District of North Okanagan **and the Corporation of the City of Vernon and the Corporation of the District of Coldstream. (B/L 165/1975)**

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 North 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 North 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 include the following:

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| (a) | Codling moths: | Carpocapsa pomonella (1) |
| (b) | Scales: | San Jose – Aspidiotus perniciosus (Comstock) European Fruit – Aspidiotus ostreaeformis Curt |

- | | | |
|-----|---|--|
| (c) | Shot-Hole Borer: | <i>Scolytus rugulosus</i> (Ratzenburg) |
| (d) | Pear Psylla (<i>Psyllia</i>): | <i>Pyricola</i> (Forester) |
| (e) | Cherry Fruit Flies: | <i>Rhagoletis</i> Species |
| (f) | Ambrosia Beetle: | <i>Anisandrus</i> Species |
| (g) | <i>Douglas Fir Tussock Moth:</i> | <i>Orgia Pseudotsugata</i> (B/L 524/1983) |

“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 North Okanagan holding office for the time being.

“ELECTORAL AREA” shall mean an Electoral Area of the Regional District of North Okanagan as described in the Letters Patent.

“ELECTORAL AREA DIRECTOR” or “DIRECTOR” shall mean the elected Director of the Regional Board of the Regional District of North 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”.

“SECRETARY-TREASURER” shall mean the Secretary-Treasurer for the Regional District of North Okanagan.

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.

ENFORCEMENT:

6. The Regional Board may by Resolution at any time or from time to time appoint an Inspector for the purpose of enforcing the provisions of this By-law, and such Inspector shall be known as the Regional District of North 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 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 (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 North 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 North Okanagan 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.

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|---------------------------------|------|------|--------|----------|--------|
| READ the FIRST TIME | this | 16th | day of | February | , 1972 |
| READ the SECOND TIME | this | 16th | day of | February | , 1972 |
| READ the THIRD TIME | this | 16th | day of | February | , 1972 |
| RECONSIDERED AND ADOPTED | this | 22nd | day of | March, | , 1972 |

 "J.C. Mehain"
 Secretary-Treasurer

 "R.W. Postill"
 Chairman

APPROVED by the Minister of Agriculture

this 29th day of February , 1972

 "Cyril M. Shelford"
 Minister of Agriculture

I hereby certify the foregoing to be a true and correct copy of the By-law No. 59, cited as "Noxious Insect Control By-law No. 59, 1972" as read a third time by the Board on the 16th day of February, 1972. Dated at Vernon, B.C. this 17th day of February, 1972.

"J.C. Mehain"
Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of the By-law No.59, cited as "Noxious Insect Control By-law No. 59, 1972" as adopted by the Regional Board on the 22nd day of March, 1972. Dated at Vernon, B.C. this 23rd day of March, 1972.

"J.C. Mehain"
Secretary-Treasurer