

REGIONAL DISTRICT OF CENTRAL OKANAGAN

NOXIOUS INSECT AND PEST INFESTATION CONTROL BYLAW NO. 879, 2000

Being a bylaw to control the infestation by noxious and destructive insects

WHEREAS the Regional District of Central Okanagan has adopted the Regional District of Central Okanagan Noxious Insect and Pest Control Extended Service Establishment Bylaw;

AND WHEREAS it is deemed necessary to replace the Regional District of Central Okanagan Noxious Insect Control Bylaw No. 128, 1977;

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

1. In this Bylaw:

Agent shall mean a person, firm or corporation representing the owner of real property located within the service area.

Control an infestation shall mean procedures which are recognized by the Ministry of Agriculture, and the tree fruit, forestry or horticultural industries as responsible methods of controlling specific pests such as application of an appropriate chemical or biological spray, direct removal of the *noxious or destructive insects or pests*, and removal of the trees, bushes, plants or associated fruit.

Infested/infestation shall mean the presence of populations of *noxious or destructive insects or pests* in trees, bushes, plants or associated fruit that have caused or are likely to cause significant damage to the trees, bushes, plants or associated fruit.

Inspector shall mean the Weed and Insect *Inspector*, Bylaw Enforcement Officer, Director of Inspection Services and any other person authorized to enforce or assist in the enforcement of this bylaw.

Noxious or destructive insects and pests shall mean:

- Codling moth – *Cydial pomonella* (L.)
- Western cherry fruit fly – *Rhagoletis indifferens* Curran
- Black cherry fruit fly – *Rhagoletis fausta* (O.S.)
- San Jose scale – *Quadraspidiotus perniciosus* (Comst.)
- European fruit scale – *Quadraspidiotus ostreaeformis* (Curt.)
- Pear psylla – *Cacopsylla pyricola* Foerst
- Fruit tree leafroller – *Archips argyrospila* (Wik.)
- European leafroller – *Archips rosana* (L.)
- Obliquebanded leafroller – *Choristoneura rosaceana* (Harr.)
- Threelined leafroller – *Pandemis limitata* (Rob.)
- Apple-and-thorn skeletonizer – *Choreutis pariana* (Cl.)
- Apple mealybug – *Phenacoccus aceris* (Sign.)
- Apple ermine moth – *Yponomeuta malinella* Zell.

- Gypsy moth – *Lymantria dispar* (L.)
- Apple maggot – *Rhagoletis pomonella* (Walsh)
- Oriental fruit moth – *Grapholita molesta* (Bst.)
- Cherry bark tortrix – *Enarmonia formosana* (Scop.)
- Cherry ermine moth – *Yponomeuta padellus* (L.)

Regional District means the Regional District of Central Okanagan

Service Area shall mean the area designated for the extended service in the Regional District of Central Okanagan Noxious Insect and Pest Control Extended Service Establishment Bylaw No. 649, 1996.

2. This bylaw does not create a duty of care in respect of the *Regional District*, its board, inspector, employees or authorized representatives of the *Regional District* concerning any matter governed by the provisions of this Bylaw including enforcement or failure to enforce this Bylaw.
3. Neither a failure to administer or enforce not incomplete or adequate administration or enforcement of the provisions of this Bylaw, nor any error, omission or other neglect in relation to any matter governed by this Bylaw shall give rise to a cause of action in favour of any person.
4. It shall be the full responsibility of the owner or his agent or the occupier of any property located within the *service area* to take all action necessary to comply with the provisions of this Bylaw.
5. All owners or occupiers of real property located within the *service area* shall take all action necessary to prevent the real property from becoming *infested*.
6. All owners of real property located within the *service area* that has become *infested*, shall take all action necessary to *control the infestation*.
7. Where an *inspector* has received a complaint that real property is *infested* and the *infestation* is verified and confirmed by investigation, the *inspector* may issue an order to the owner or occupier of the real property requiring the owner or occupier to take all action necessary to *control the infestation* within 72 hours from the date of service of the order.
8. Where after the expiry of 72 hours from the date of service of an order given pursuant to Section 7 of this Bylaw, an owner has not *controlled an infestation*, it shall be lawful for the Regional District of Central Okanagan by its employees or other authorized representatives to enter the real property and take all action necessary to *control the infestation*.
9. The *inspector* may enter any real property located within the *service area* at any reasonable time concerning any matter under this Bylaw and may perform such reasonable tests, analysis or other things as may be necessary to determine if an *infestation* exists.
10. An order made pursuant to Section 7 of this bylaw shall be deemed to be validly served by:

- a. Personal delivery to the owner of the real property or the *agent* of the owner or the occupier or;
 - b. Being mailed by regular mail addressed to the owner of the real property, the agent or the occupier and by the posting of the order in a reasonably visible location on the real property.
11. All costs incurred by the Regional District of Central Okanagan to control the *infestation* of real property shall be charged to the owner of the real property and if unpaid on the 31st day of December of any year, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrears.
 12. No person shall obstruct an *inspector* or other authorized representative of the Regional District of Central Okanagan acting pursuant to this Bylaw.
 13. The *inspector* is authorized to consult with owners or occupiers of real property in the *service area* concerning complaints about insects and pests that are not currently included in the definition of *noxious or destructive insects and pests*.
 14. The Regional District of Central Okanagan Noxious Insect Control Bylaw No. 128, 1977 and all amendments thereto are hereby repealed.
 15. This Bylaw may be cited as the Regional District of Central Okanagan Noxious Insect and Pest Infestation Control Bylaw No. 879, 2000.
 16. This Bylaw comes into full force and effect as of the date of adoption.
 17. Any person who violates or causes or allows to be caused a violation of a requirement of this Bylaw shall be guilty of an offence and shall be liable, upon conviction, to the penalties provided under the provisions of the Offence Act.

READ A FIRST TIME THIS 12th DAY OF June, 2000.

READ A SECOND TIME THIS 10th DAY OF July, 2000.

READ A THIRD TIME THIS 10th DAY OF July, 2000

ADVERTISED ON THE 16th DAY OF June, 2000 PURSUANT TO THE REQUIREMENTS OF THE MUNICIPAL ACT.

RECONSIDERED AND ADOPTED THIS 10th DAY OF July, 2000.

CHAIR

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 879, 2000, cited as "The Regional District of Central Okanagan Noxious Insect and Pest Infestation Control Bylaw No. 879, 2000 which was read a second and third time by the Regional Board on the 10th day of July, 2000.

Dated at Kelowna, B.C. this
18th day of July, 2000.

SECRETARY

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 879, 2000, cited as "The Regional District of Central Okanagan Noxious Insect and Pest Infestation Control Bylaw No. 879, 2000 which was reconsidered and adopted by the Regional Board on the 10th day of July, 2000.

Dated at Kelowna, B.C. this
18th day of July, 2000.

SECRETARY