

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1545

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:

(I) INTERPRETATION

1. In this Bylaw unless the context otherwise requires:

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 best management practices for controlling specific noxious or destructive insects, related pests, or other growths, diseases or related disorders, such as application of an appropriate chemical or biological spray, removal of the noxious or destructive insects, related pests or other growths, diseases or related disorders, and removal of the infested or infected trees, bushes, plants, plant parts or fruit.

INFESTED/INFESTATION shall mean the presence of populations of noxious or destructive insects, related pests, or other growths, diseases, or related disorders, in trees, bushes, plants or fruit that have caused or are likely to cause significant damage to the infested/infected trees, bushes, plants or fruit, and to any similar nearby trees, bushes, plants or 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 OR RELATED PESTS shall mean **other noxious or destructive insects or related pests that are identified as potential or recently introduced invasive alien species by the B.C. Ministry of Agriculture and Lands. For certainty any noxious or destructive insects or related pests listed on Schedule A, attached to, and forming part of this bylaw are considered invasive.**

- ~~Codling moth—Cydial pomonells (L.)~~
- ~~Western cherry fruit fly—Rhagoletis indifferens Curran~~
- ~~Black cherry fruit fly—Rhagoletis fausta (O.S.)~~
- ~~Pear psylla—Cacopsylla pyricola Foerst~~
- ~~Apple and thorn skeletonizer—Choreutis pariana (Cl.)~~
- ~~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.)~~
- ~~Plum curculio (Conotrachelus nenuphar)~~
- ~~Spotted Lanternfly (Lycorma delicatula)~~

~~Leafroller family—Tortricidae, any of the following:~~

- ~~Fruittree leafroller—Archips argyrospila (Wlk.)~~
- ~~European leafroller—Archips rosana (L.)~~
- ~~Obliquebanded leafroller—Choristoneura rosaceana (Harr.)~~
- ~~Threelined leafroller—Pandemis limitata (Rob.)~~
- ~~Eyespotted budmoth—Spilonota ocellana (Dyar & Shannon)~~

~~Other noxious or destructive insects or related pests that are identified as potential or recently introduced invasive alien species by the B.C. Ministry of Agriculture and Lands.~~

OTHER GROWTHS, DISEASES OR RELATED DISORDERS shall mean other growths, diseases or related disorders that are identified as potential or recently introduced invasive species by the B.C. Ministry of Agriculture and Lands. For certainty any other growths, diseases or related disorders listed on Schedule A, attached to, and forming part of this bylaw are considered invasive.

- ~~Fire Blight—Erwinia amylovora~~
- ~~Apple Scab—Venturia inaequalis~~
- ~~Brown Rot—Monolinia fructicola~~
- ~~Phytophthora Blight—Phytophthora capsici~~

~~Other growths, diseases or related disorders that are identified as potential or recently introduced invasive species by the B.C. Ministry of Agriculture and Lands.~~

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.

(II) REGULATION

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 ~~nor 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**.

(III) **ENFORCEMENT**

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***.

(IV) GENERAL PROVISIONS

14. This Bylaw comes into full force and effect as of the date of adoption.
15. 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 ***Local Government Act. Offence Act.***
16. The Regional District of Central Okanagan Noxious Insect and Pest Control Bylaw No. 879, 2000 and all amendments thereto are hereby repealed.
17. This Bylaw may be cited as the “Regional District of Central Okanagan Noxious Insect and Pest Infestation Control Bylaw No. 1545, 2024”.

READ A FIRST, SECOND AND THIRD TIME THIS

DAY OF

ADOPTED THIS

DAY OF

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE A

- Codling moth – *Cydial pomonells* (L.)
- Western cherry fruit fly – *Rhagoletis indifferens* Curran
- Black cherry fruit fly – *Rhagoletis fausta* (O.S.)
- Pear psylla – *Cacopsylla pyricola* Foerst
- Apple-and-thorn skeletonizer – *Choreutis pariana* (Cl.)
- 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.)
- Plum curculio (*Conotrachelus nenuphar*)
- Spotted Lanternfly (*Lycorma delicatula*)

Leafroller family – Tortricidae, any of the following:

- Fruittree leafroller – *Archips argyrospila* (Wik.)
- European leafroller – *Archips rosana* (L.)
- Obliquebanded leafroller – *Choristoneura rosaceana* (Harr.)
- Threelined leafroller – *Pandemis limitata* (Rob.)
- Eyespotted budmoth – *Spilonota ocellana* (Dyar & Shannon)

SCHEDULE B

- Fire Blight – *Erwinia amylovora*
- Apple Scab – *Venturia inaequalis*
- Brown Rot – *Monolinia fructicola*
- Phytophthora Blight – *Phytophthora capsici*