

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
POLICIES AND PROCEDURES**

PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.1.1
CHAPTER	1	INTERPRETATION	PAGE 1 OF 2
SECTION	1	GENERAL	EFFECTIVE DATE: February 1, 2008

INTERPRETATION

In this Policy, unless the context otherwise requires:

“Agent” shall include the operator or lessee of any real property for agricultural or other purposes.

“Okanagan-Kootenay Sterile Insect Release Board” shall mean the Board comprised of representatives of the participating Regional Districts, established for the purpose of implementing and operating a service to control destructive insect pests.

“Designate Service Area” shall mean the tract of land within the boundaries of the participating Regional Districts designated by the Okanagan-Kootenay Sterile Insect Release Board for a sterile insect release service.

“Infested Condition” shall mean the presence of codling moths on any real property, or trees, or brush, whether such trees or brush be living or dead, or other growths thereon, or fruit there from, which 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 service area.

“Inspector” shall mean a Monitor, Supervisor, Manager, Entomologist and/or Compliance Officer appointed by the Okanagan-Kootenay Sterile Insect Release Board or General Manager at any time, or from time to time to carry out duties in relation to this Policy..

“Compliance Officer” shall mean a person appointed by the Okanagan-Kootenay Sterile Insect Release Board or General Manager to carry out duties of the Compliance Officer which may be assigned by the General Manager from time to time.

“Manager” shall mean a person appointed by the Okanagan-Kootenay Sterile Insect Release Board or General Manager to manage a departmental program to carry out duties which may be assigned by the General Manager from time to time. This shall include Area Coordinators.

“Monitor” shall mean the Monitors appointed by the General Manager at any time, or from time to time, to place pheromone traps and to inspect traps and/or fruit trees or fruit for codling moth activity.

“Codling Moth” shall mean the insect species Cydia pomonella(L.).

“Participating Regional Districts” shall mean the five Regional Districts listed below:

- a. Okanagan-Similkameen
- b. Central Okanagan
- c. North Okanagan
- d. Columbia-Shuswap

“Occupier” shall have the meaning given to it under the interpretation portion of the “Municipal Act”.

“Owner” shall have the meaning given to it under the interpretation portion of the “Municipal Act”.

“General Manager” shall mean the General Manager appointed by the Okanagan-Kootenay Sterile Insect Release Board.

“Supervisor” shall mean a Supervisor appointed by the General Manager.

“Entomologist” shall mean an Entomologist appointed by the General Manager

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INTERPRETATION (cont'd)

“Time Limit” shall be the time limit that is deemed by the Compliance Officer to be reasonable to address the requirements of an Order. The time limit shall not be less than seventy two (72) hours and/or exceed forty five (45) days.

“Trees” shall mean trees that are hosts to codling moth including apple, pear, crab quince, and their ornamental varieties.

“Good Horticultural Practices” shall mean those horticultural practices used in the care of trees which include but are not limited to, pruning, mowing, thinning, integrated pest management, spraying, watering and harvesting.

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PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.2.1
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REGULATION

- 2.1. All owners and occupiers of real property situated within the designated service area, or their agents, shall prevent such real property and trees and fruit situated on it from becoming or being in an infested condition.

- 2.2. All owners and occupiers of real property situated within the designated service area, or their agents, shall, on the direction of the Inspector, clear immediately such property of codling moth by spraying or removing and destroying any trees, fruit or other growths in an infested condition or likely to become in an infested condition.

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PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.3.1
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ENFORCEMENT

- 3.1 The Okanagan-Kootenay Sterile Insect Release Board and/or the General Manager may at any time, or from time to time, appoint staff for the purposes of enforcing the provisions of this Control Policy.
- 3.2 An Inspector may enter, at all reasonable times, upon any property subject to the regulations of this Control Policy, in order to ascertain whether the regulations of this Control Policy are being observed. (See Sterile Insect Release Program Property Inspection By-Law No. 1. 1999.)
- 3.3 For the purposes of Section 3.2 herein, an Inspector may do such things and perform such tests, analyses, or other acts as may be necessary on any real property, trees or fruit there from, in order to determine whether there is any likelihood of same being or becoming in an infested condition.
- 3.4 If an Inspector determines that any particular real property within the designated service area, or any particular tree or trees, or any fruit there from is, or is likely to become, in an infested condition, the Inspector may forthwith advise the owner and/or occupier or their agent of the infested condition and issue a Warning Notice (Schedule "A").
- 3.5 The Inspector may, at the end of the time limit of the Warning Notice, re-inspect the property to determine if the recommendations of the Warning Notice have been carried out. If the recommendations have not been carried out, the Inspector, if not a Supervisor, shall inform a Supervisor, Manager or Compliance Officer.
- 3.6 Notwithstanding sections 3.4, and 3.5, if the Supervisor, Manager or Compliance Officer determines that any particular real property within the designated service area, or any particular tree or trees, or any fruit there from, is, or is likely to become, in an infested condition, the Supervisor, Manager or Compliance Officer may forthwith issue a Codling Moth Control Order advising 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 or by both a spray program and by the removal and destruction of fruit deemed to be, or likely to become, in an infested condition. At the discretion of the Supervisor, Manager or Compliance Officer, the Time Limit of the Control Order must not exceed 7 days from the date of Notice of the condition (Schedule "B").
- 3.7 At the expiry of Codling Moth Control Order (Schedule B) time limit, the property may be re-inspected to determine compliance with the Codling Moth Control Order.
- 3.8 If after the expiry of the time limit from the date of Notice given pursuant to Section 3.6, the infested condition has not been remedied by the owner or occupier of the real property in question, or his agent, it shall be lawful for the Okanagan-Kootenay Sterile Insect Release Board, by its workers and others, to enter upon such real property and eliminate the infested condition by removing and destroying at the expense of the person so defaulting.
- 3.9 Notwithstanding sections 3.4, 3.5, 3.6, 3.7, and 3.8, where the Compliance Officer determines that a Codling Moth Host Tree(s) within the designated service area is not being cared for in accordance with good horticultural practices, and is in an infested condition, or likely to become in an infested condition, the Compliance Officer may forthwith issue a Codling Moth Host Tree Removal Order advising 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 and destroy the fruit trees, including the stumps, and where present, all fruit and windfalls. At the discretion of the Compliance Officer, the time limit of the Control Order must be at least seven days and not exceed forty-five (45) days from the date of Notice (Schedule "D"). The intent of this section is to provide for the timely removal of neglected codling moth host trees and can apply at any time of the year.

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ENFORCEMENT (continued)

- 3.10 An owner or occupier, or his agent, who has an interest in real property and considers themselves(s) aggrieved by a Notice served under Section 3.9 of this Policy that relates to such real property, may appeal to the Okanagan-Kootenay Sterile Insect Release Board, by filing a Notice of Appeal under this section. (Schedule "F")
- 3.11 A Notice of Appeal shall be in writing:
- (a) For a Codling Moth Host Tree Removal Order, the Notice of Appeal, Schedule "F," shall be filed within seven (7) days of receipt of the Order.
- 3.12 A Notice of Appeal shall set out:
- (a) the name and address of the appellant
 - (b) a copy of the Notice in respect of which the Appeal is being taken
 - (c) the legal description of the land effected, and
 - (d) the grounds of Appeal
- 3.13 A Notice of Appeal shall be delivered personally or sent by fax, registered or certified mail to the Compliance Officer of the Okanagan-Kootenay Sterile Insect Release Board.
- 3.14 The Okanagan-Kootenay Sterile Insect Release Board shall be the Appeal Review Committee.
- 3.15 The Appeal Review Committee shall consider and determine the Appeal and the Committee may confirm, rescind, or vary the Notice that was issued.
- 3.16 No action shall be taken to enforce a Codling Moth Host Tree Removal Order during the Appeal process.
- 3.17 The Compliance Officer of the Okanagan-Kootenay Sterile Insect Release Board, on determination of the Appeal, shall send a copy of the decision together with the written reasons, if any, to the appellant by registered or certified mail.
- 3.18 Section Deleted
- 3.19 If after the expiry of the time limit from the date of Notice given pursuant to Section 3.9 or ten (10) days from the date of mailing of a decision to confirm or vary a Notice under Section 3.15, whichever is later, the action required by the Codling Moth Host Tree Removal Order issued under Section 3.9 has not been complied with by the owner or occupier of the real property in question, or his agent, the Okanagan-Kootenay Sterile Insect Release Board may carry out the removal and destruction of the tree(s) and stump(s), and where present, all fruit and windfalls.
- 3.20 It shall be lawful for the Okanagan-Kootenay Sterile Insect Release Board, by its workers and others, to enter upon such real property and to remove and destroy the tree or trees and stumps and where present, fruit and windfalls, at the expense of the person so defaulting.

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SECTION	1	GENERAL	EFFECTIVE DATE: February 1, 2008

ENFORCEMENT (continued)

- 3.21 Where the owner of any real property is not occupier or the agent, any written Notice required to be given by Section 3.4 and/or Section 3.6, and/or Section 3.9 of this Policy shall be given to the owner and the occupier or agent of the said property.
- 3.22 Any written notice required to be given by Section 3.4 and/or Section 3.6 and/or Section 3.9 of this Policy shall be deemed to be validly given to, and shall be deemed to be received by the owner or occupier, if any, of the real property in question or the agent, if any, when delivered personally or mailed by prepaid registered or certified mail and addressed to such owner or occupier of the real property in question or his agent in care of the ordinary postal address for such real property or posted in a conspicuous location on the real property to which it pertains.
- 3.23 The charges incurred by the Okanagan-Kootenay Sterile Insect Release Board under Section 3.8 and/or 3.19 shall be invoiced to the person so defaulting, and if unpaid by the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of such property as taxes in arrears.

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
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PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.1
CHAPTER	4	WARNING NOTICE	PAGE 1 OF 1
SECTION	1	SCHEDULE A WARNING NOTICE	EFFECTIVE DATE: February 1, 2008

SCHEDULE A

OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD

EMAIL ADDRESS: sirinfo@oksir.org

WARNING NOTICE

DATE OF INSPECTION: _____ ROLL#: _____
PROPERTY ADDRESS: _____

LEGAL DESCRIPTION OF PROPERTY: _____
PROPERTY OWNER: _____
ADDRESS: _____

CODLING MOTH INFESTATION HAS BEEN FOUND AT THE ABOVE SITE

REQUIRED ACTION:

YOU ARE REQUIRED TO REMOVE ALL FRUIT from the _____ tree(s)
and remove all windfalls from under the tree(s). Dispose of the fruit in sealed plastic bags in an approved landfill site.

PLEASE DO NOT COMPOST INFESTED FRUIT

REMARKS: _____

Your tree(s) will be re-inspected after seventy-two (72) hours from the date inspection noted on this Warning Notice. If the recommendations of the Inspector have not been complied with, your tree(s) will be subject to further action which may include tree removal through the issuance of an Order by the Inspector / Compliance Officer. Any action carried out under an Order is done so at the expense of the property owner.

YOUR COMPLIANCE IS REQUIRED.

Codling Moth Inspector

Kelowna Office: Tel: 250-469-6187	Osoyoos Office: Tel: 250-495-2555	Penticton Office: Tel: 250-490-3572	Vernon Office: Tel: 250-558-1170
Toll Free: 1-800-363-6684		Website: www.oksir.org	Email: sirinfo@oksir.org

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
POLICIES AND PROCEDURES**

PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.2
CHAPTER	4	WARNING NOTICE	PAGE 1 OF 1
SECTION	2	SCHEDULE B Codling Moth Control Order	EFFECTIVE DATE: February 1, 2008

SCHEDULE B

OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD

1450 K.L.O. ROAD, KELOWNA, B.C. V1X 7T5

TELEPHONE: (250) 469-6187 FAX: (250) 762-7011

EMAIL ADDRESS: sirinfo@oksir.org

Date: _____ Jur./Folio No. _____

To:

**CODLING MOTH CONTROL ORDER
ISSUED PURSUANT TO THE
OKANAGAN-KOOTENAY STERILE RELEASE SERVICE REGULATION
APPROVED ON JANUARY 18, 1990 BY ORDER IN COUNCIL NO. 124**

Dear Sir or Madam:

On _____, 20____, SIR staff carried out an inspection on the following described land:

LOT _____ REGISTERED PLAN _____ KNOWN AS _____

AND FOUND THE _____

located thereon in an infested condition (or likely to become in an infested condition).

You are hereby ordered to have the following requirements carried out:

ACTION ORDERED:

ALLOWABLE OPTIONS OUTLINED IN SCHEDULE C

Your trees will be re-inspected after _____ to determine if the control measures have been carried out. If the control measures have not been carried out, the SUPERVISOR / MANAGER OR COMPLIANCE OFFICER may order the work to be done at the expense of the OWNER.

Such expense will be billed to the owner and will be added to and form part of the taxes payable on the real property, if unpaid by December 31, as taxes in arrears.

YOUR COMPLIANCE IS REQUIRED.

Codling Moth Inspector/Compliance Officer

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
POLICIES AND PROCEDURES**

PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.3
CHAPTER	4	WARNING NOTICE	PAGE 1 OF 1
SECTION	3	SCHEDULE C Codling Moth Control Measures	EFFECTIVE DATE: February 1, 2008

SCHEDULE C

OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD

1450 K.L.O. ROAD, KELOWNA, B.C. V1X 7T5

TELEPHONE: (250) 469-6187 FAX: (250) 762-7011

EMAIL ADDRESS: sirinfo@oksir.org

CODLING MOTH CONTROL MEASURES

All owners and occupiers of the real property described on the Warning Notice or Order, or their agents, shall immediately clear such property of codling moth by conducting the following control measures to any trees, fruit or other growths in an infested condition or likely to become in an infested condition.

- Prune to a manageable height, open the canopy and remove all fruit from the _____ tree(s) and remove all windfalls from under the tree(s). Dispose of all limbs, prunings and fruit to an approved landfill site.
- Remove and destroy _____ apple tree(s), _____ pear tree(s) and/or _____ ornamental crabapple tree(s) and all stumps and branches, and where present, all fruit and windfalls, from under the tree(s). Sale or distribution of resulting host tree wood is prohibited. This wood must be chipped, burned or hauled to an approved landfill site.
- Spray the tree(s) and fruit with: _____
at the rate of: _____
on or before: _____
- Re-enter the treated area _____ after the above spray application. Remove all infested fruit and all windfalls from under the trees. Dispose of the fruit in sealed plastic bags in an approved landfill site.
- In addition to the above spray application, the following spray program will be required to control codling moth during this growing season:

- Apply cardboard bands to the tree trunk(s) on or before _____. Remove the bands on _____, or remove the bands after harvest and burn them or dispose of them in sealed plastic bags in an approved landfill site.

This spray program/application is based on the recommendations of the British Columbia Ministry of Agriculture and Lands for codling moth control.

Efficient spray equipment is necessary for the codling moth control program to be effective.

Compliance Officer

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
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PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.4
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SECTION	4	Schedule D – Codling Moth Host Tree Removal Order	EFFECTIVE DATE: February 1, 2008

**SCHEDULE D
OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
1450 K.L.O. ROAD, KELOWNA, B.C. V1X 7T5
TELEPHONE: (250) 469-6187 FAX: (250) 762-7011
EMAIL ADDRESS: sirinfo@oksir.org**

Date: _____ Jur./Folio No. _____

To: **CODLING MOTH HOST TREE REMOVAL ORDER
ISSUED PURSUANT TO THE
OKANAGAN-KOOTENAY STERILE RELEASE SERVICE REGULATION
APPROVED ON JANUARY 18, 1990 BY ORDER IN COUNCIL NO. 124**

Dear Sir or Madam:

On _____, _____ SIR Staff carried out an inspection on the following described land:

LOT _____ REGISTERED PLAN _____ KNOWN AS

AND FOUND THE _____

located thereon in an infested condition (or likely to become in an infested condition).

You are hereby ordered to have the following requirements carried out:

ACTION ORDERED:

ALLOWABLE OPTIONS FOR HOST TREE REMOVAL AS OUTLINED IN SCHEDULE C

Your property will be re-inspected after _____ to determine if the host tree removal/control measures have been carried out. If these measures have not been carried out, the OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD may order the work to be done by its workers or others at the expense of the OWNER.

Such expense will be billed to the owner and will be added to and form part of the taxes payable on the real property, if unpaid by December 31, as taxes in arrears.

To appeal this order, a Notice of Appeal, Schedule F, must be filed within seven (7) days of receipt of the order.

YOUR COMPLIANCE IS REQUIRED.

Codling Moth Inspector/Compliance Officer

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
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PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.5
CHAPTER	4	WARNING NOTICE	PAGE 1 OF 1
SECTION	5	Schedule E –Appeal Notice Codling Moth Control Order	EFFECTIVE DATE: February 1, 2008

Schedule E deleted

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
POLICIES AND PROCEDURES**

PART	2	CODLING MOTH CONTROL POLICIES & PROCEDURES	POLICY NO. 2.4.6
CHAPTER	4	WARNING NOTICE	PAGE 1 OF 1
SECTION	6	Schedule F –Appeal Notice Codling Moth Host Tree Removal Order	EFFECTIVE DATE: February 1, 2008

**SCHEDULE F
OKANAGAN-KOOTENAY STERILE INSECT RELEASE BOARD
1450 K.L.O. ROAD, KELOWNA, B.C. V1X 7T5
TELEPHONE: (250) 469-6187 FAX: (250) 762-7011
EMAIL ADDRESS: sirinfo@oksir.org**

NOTICE OF APPEAL

NAME: _____
ADDRESS: _____

MAILING ADDRESS IF DIFFERENT:

LEGAL DESCRIPTION: LOT _____ **REGISTERED PLAN** _____
CIVIC ADDRESS _____

GROUNDS FOR APPEAL OF CODLING MOTH HOST TREE REMOVAL ORDER:

SIGNATURE: _____ **DATE:** _____

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1. A Notice of Appeal, Schedule F, must be filed within seven (7) days of receipt of the Codling Moth Host Tree Removal Order.
 2. A copy of the Codling Moth Host Tree Removal Order must accompany the Notice of Appeal.
 3. A Notice of Appeal shall be delivered personally or sent by fax, registered or certified mail to the above office.

<p align="center"><i>FOR SIR OFFICE USE ONLY:</i></p> <p align="center"><i>DATE APPEAL RECEIVED BY SIR OFFICE</i> _____</p>
