

**BILL 75 - 1989**

**MUNICIPAL AFFAIRS, RECREATION AND CULTURE STATUTES AMENDMENT ACT (No 3)  
1989**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**Municipal Act**

1. Section 262 (4) of the Municipal Act, R.S.B.C. 1979, c. 290, is amended by adding "(g.1)," S After "(f)."
2. Section 755.1 (2) is amended by adding the following paragraph: (g.1) a member of the Okanagan-Kootenay Sterile Insect Release Board or an officer or employee of that board.
3. Section 932 (h) is repealed and the following substituted: (h) for the purpose of preventing unsightliness on real property,
  - (i) prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, and
  - (ii) prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly;(h.1) for the purpose of remedying unsightliness on real property,
  - (i) require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discard materials, rubbish or graffiti,
  - (ii) provide that, where a person fails to comply with a requirement for removal referred to in subparagraph (i), the municipality, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the removal at the expense of the person who has failed to comply, and
  - (iii) provide that, where the person at whose expense removal is carried out under subparagraph (ii) does not pay the costs of removal on or before December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrear;
  - (iv)

The Municipalities Enabling and Validating Act, R.S.B.C. 1960, c 261 is amended by adding the following sections.

**Vancouver – validation of bylaw**

282. (1) By-law No. 6517 of the Council of the City of Vancouver and Order in Council No. 978/89 approving that the by-law are confirmed and validated.
- (2) Subsection (1) shall be deemed to have come into force on July 4, 1989 and is retroactive to the extent necessary to give it effect on and after that date.

**Okanagan-Kootenay Sterile Insect Release Board**

283. (1) In this section "destructive insect pests" means
  - (a) the insect pest known commonly as the codling moth and scientifically as *Cydia pomonella*, and
  - (b) other species of insect pests prescribed by regulation under subsection (8) (a);"participation regional districts" means the regional districts which establish a sterile insect release service under subsection (2);  
"sterile insect release board" means the Okanagan-Kootenay Sterile Insect Release Board established under subsection (2)

“sterile Insect release service” means a service provided under subsection (2) to control destructive insect pests by means of a program that includes the release of sterile insects.

- (2) The Regional Districts of
  - (a) Okanagan-Similkameen
  - (b) Central Okanagan
  - (c) North Okanagan
  - (d) Columbia Shuswap and
  - (e) Central Kootenay

May establish and operate, by bylaw, an extended service of sterile insect release through participation with other regional districts empowered under this subsection in the establishment and operation of a board to be known as the Okanagan-Kootenay Sterile Insect Release Board that, as agent for the participating regional districts, will provide the sterile insect release service.

- (3) Notwithstanding that the establishment of a sterile insect release service requires the borrowing of money or that a proposed participating area for a sterile insect release service does not include all of a municipality or electoral area, assent of the electors in a proposed participating area may be waived and consent given on behalf of those electors,
  - (a) in the case of a proposed municipal participating area, in accordance with section 799 of the Municipal Act, and
  - (b) in the case of a proposed electoral participating area, in accordance with section 800 of the Municipal Act.
- (4) Notwithstanding section 813.1 (3) of the Municipal Act, the regional district boards that establish a sterile insect release service may, by loan authorization bylaws adopted without assent of the electors, borrow amounts for the purposes of the service that, in the aggregate for those regional districts, do not exceed \$3.5 million.
- (5) The sterile insect release board shall, when established by the participating regional districts, constitute a corporation to which, subject to subsection (6), the Company Act does not apply.
- (6) The Lieutenant Governor in Council may, by order, direct that one or more provisions of the Company Act apply to the sterile insect release board and, where this is done, those provisions apply accordingly.
- (7) The sterile insect release board shall not
  - (a) borrow money, or
  - (b) without the approval of the participating regional districts, incur liabilities.
- (8) The Lieutenant Governor in Council may, by regulation,
  - (a) prescribe species of destructive insect pests in respect of which a sterile insect release service may be provided,
  - (b) provide that
    - (i) the Minister of Agriculture and Fisheries,
    - (ii) the Minister of Agriculture (Canada), and
    - (iii) the British Columbia Fruit Growers' Associationmay appoint one or more persons as non-voting members of the sterile insect release board,
  - (c) prescribe the cost recovery mechanism by which the costs of providing a sterile insect release service shall be recovered, including, notwithstanding section 482 of the Municipal Act, authorizing the participating regional districts to recover a portion of those costs by means of a parcel tax that may vary according to
    - (i) the size of the parcel,
    - (ii) the type of plants growing or capable of growing on the parcel and
    - (iii) the quantity of specific kinds of plants growing on the parcel,
  - (d) make special provisions respecting
    - (i) expenditures for a sterile insect release service,
    - (ii) the basis on which the costs of providing a sterile insect release service through the agency of the sterile insect release board shall be apportioned among the participating regional districts, and

- (iii) other matters in relation to a sterile insect release service that the Lieutenant Governor in Council considers necessary or advisable,
- (e) require owners and occupiers of real property to clear their property of destructive insect pests and to prevent infestation of their property by destructive insect pests, and
- (f) empower the sterile insect release board, by its employees or other persons, to enter on real property at reasonable times and in a reasonable manner
  - (i) to effect the release of sterile insects, and
  - (ii) in cases where an owner or occupier of real property has failed to comply with a requirement for clearing or prevention of infestation referred to in paragraph (e), to effect the clearing or prevention at the expense of the person who has failed to comply, by any means considered advisable by the sterile insect release board, including the application of insecticides and other chemicals and the removal and destruction of plants which are or which are likely to be subject to infestation by destructive insect pests.
- (9) The sterile insect release board
  - (a) may enforce a regulation under subsection (8) (e) as if the regulation were a bylaw of a regional district, and
  - (b) for the purposes of paragraph (a), has all the power and authority of a regional district board under sections 308 to 310 and 750 of the Municipal Act and those sections, as they apply to enforcement of a bylaw, apply to the enforcement of a regulation under subsection (8) (e).
- (10) Where the sterile insect release board effects clearing or prevention of infestation on property under the authority of a regulation under subsection (8) (f) (ii),
  - (a) the costs of the clearing or prevention, if unpaid by the person at whose expense the work was done on or before December 31 in the year that the work was done, shall be added to and form part of the taxes payable on the property as taxes in arrear, and
  - (b) no compensation shall be payable by the sterile insect release board for plants or plant materials removed or destroyed under that authority.
- (11) For the purposes of establishing and operating a sterile insect release service in 1989, the participating regional districts may, by bylaw adopted without assent of the electors,
  - (a) notwithstanding section 807.1 of the Municipal Act, make expenditures for the service, and
  - (b) notwithstanding section 812 (1) of the Municipal Act, borrow money required for expenditures authorized under paragraph (a).
- (12) Where money is borrowed under the authority of subsection (11) (b), it shall be included with the anticipated costs relating to the sterile insect release service in 1990 and, when recovered with these costs, shall be repaid.

B.C. Reg. 17/90  
O.C. 124/90

Deposited January 19, 1990

**Municipalities Enabling and Validating Act**

**OKANAGAN-KOOTENAY STERILE INSECT RELEASE SERVICE  
REGULATION**

[includes amendments up to B.C. 469/95]

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**Interpretation**

1. In this regulation

**“converted value of land”** means the net taxable value of land for regional hospital district purposes multiplied by the percentage prescribed for that land for the purposes of section 808 (1) of the *Municipal Act*;

**“annual costs”** means the annual operating and dept servicing costs of providing a sterile insect release service minus any grants or donations received towards those costs.

**Cost recovery – parcel tax**

2. (1) The participating regional districts for a sterile insect release service under section 283 (2) of the *Municipalities Enabling and Validating Act* may recover a portion of the annual costs of the service by means of a parcel tax.
- (2) Subject to subsection (3), a parcel tax under subsection (1) may vary according to
  - (a) the area of the parcel, and
  - (b) the quantity of apple and pear trees growing on the parcel.
- (3) A variation under subsection (2) shall be the same in all participating regional districts.
- (4) Sections 484 to 488 of the *Municipal Act* apply to a parcel tax imposed under this section.

**Cost recovery – property value tax**

3. The portion of the annual costs of a sterile insect release service that is not recovered by a parcel tax under section 2 shall be recovered by a property value tax under section 805 of the *Municipal Act* levied on land only.

**Apportionment**

4. (1) The annual costs of a sterile insect release service that are recovered by a parcel tax under section 2 shall be apportioned among the participating regional districts on the basis of the amount recovered within each regional district by the parcel tax.
- (2) The annual costs of a sterile insect release service that are not recovered by a parcel tax under section 2 shall be apportioned among the participating regional districts of the basis of the converted value of land in the participating areas for the service that are within each regional district.

**Clearing of insects by property owners**

5. Owners and occupiers of real property shall clear their property of destructive insect pests and shall prevent the infestation of their property by destructive insect pests.

**Entry onto property by board for clearing of insects**

6. Where the owner or occupier of real property has failed to comply with the requirement under section 5 for clearing or preventing infestation, the Okanagan-Kootenay Sterile Insect Release Board may, by its employees or other persons, enter on real property at reasonable times and in a reasonable manner to effect the clearing or prevention, at the expense of the person who has failed to comply, by any means considered advisable by the board including the application of insecticides and other chemicals and the removal and destruction of plants which are or which are likely to be subject to infestation by destructive insect pests.

**Entry onto property by board for sterile insect release**

7. The Okanagan-Kootenay Sterile Insect Release Board may, by its employees or other persons, enter on real property at reasonable times and in a reasonable manner to effect the release of sterile insects.

**Authority to enter into funding agreements**

8. The Okanagan-Kootenay Sterile Insect Release Board may enter into agreements to obtain funding to operate a sterile insect release service [en. B.C. Reg. 469/95]

**Compliance grants**

10. The authority to make expenditures for a sterile insect release service includes the authority to make grants to property owners and growers who have complied with the requirements of the service program specified by the Okanagan-Kootenay Sterile Insect Release Board. [en. B.C. Reg. 469/95]

[Provisions of the *Municipalities Enabling and Validating Act* relevant to the enactment of this regulation: section 283 (8)]