

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW 2019/16V

A bylaw to regulate the keeping of bees in urban areas

WHEREAS, pursuant to section 7(a) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

WHEREAS, pursuant to section 7(h) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

WHEREAS, pursuant to section 7(i) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein;

WHEREAS, pursuant to section 8 of the Municipal Government Act, a council may by bylaw regulate, prohibit, or provide for a system of licences, permits, or approval including any or all of the matters listed therein.

NOW THEREFORE the Council of the Town of Rocky Mountain House, duly assembled, hereby enacts as follows:

PART 1

TITLE

1. This Bylaw may be referred to as the "Urban Beekeeping Bylaw".

DEFINITIONS

2. In this Bylaw:

- a. "**Adjoining Neighbours**" means a site that is contiguous to another site along a common property line or adjacent across a rear lane. If the subject site is located on a corner, an adjoining site includes a site that is adjacent across a rear lane, but not across a street;
- b. "**Animal Health Act**" means the *Animal Health Act*, SA 2007, C A-40.2, and any amending or succeeding legislation, and associated regulations;
- c. "**Bee**" means the insect *Apis mellifera L.*, also known as honey bees;

- d. **"Bee Act"** means the *Bee Act*, RSA 2000, c B-2, and any amending or succeeding legislation, and associated regulations;
- e. **"Beekeeper"** means a person who owns and possesses Bees or beekeeping equipment or both;
- f. **"Business Licence"** means a licence pursuant to the Business Licence Bylaw 14/16V and includes any amendments thereto or replacements thereof;
- g. **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) appointed by the Town of Rocky Mountain House;
- h. **"Commercial Sales"** means selling to a large box store or retail businesses;
- i. **"Council"** means the Council of the Town of Rocky Mountain House duly assembled and acting as such.
- j. **"Emergency Hive"** means an extra hive with no more than 2 supers to help prevent swarming and overflow of bees;
- k. **"Hive"** means beehive equipment inhabited by live Bees;
- l. **"Licensing Authority"** means the CAO or an individual appointed by the CAO to issue Urban Beekeeping Licences;
- m. **"Municipal Violation Tag"** means a Town-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- n. **"Peace Officer"** means any person authorized by Council to enforce this bylaw and includes:
 - i. a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties,
 - ii. a member of a municipal police service, while the member is in the exercise or discharge of the member's powers or duties,
 - iii. a Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties, and
 - iv. a Bylaw Enforcement Officer appointed by the Council, while the officer is in the exercise or discharge of the officer's powers or duties.

- o. **"Pedestrian Walkway"** means a path, trail or sidewalk for pedestrian circulation that cannot be used for motorized vehicular use;
- p. **"Provincial Apiculturist"** means the individual designated as the Provincial Apiculturist in accordance with the *Bee Act*;
- q. **"Super"** means a Bee Hive box which holds frames used for brood rearing or storing honey;
- r. **"Town"** means the Town of Rocky Mountain House, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the Town of Rocky Mountain House;
- s. **"Urban Beekeeping Licence"** means a licence issued pursuant to the Urban Beekeeping Bylaw; and
- t. **"Violation Ticket"** is as defined in the *Provincial Offences Procedure Act* and any amending or succeeding legislation.

PART 2

URBAN BEEKEEPING LICENCE

Requirement for Licence

- 3. This Bylaw enables beekeeping as urban agriculture and no person shall own or keep Bees unless properly licensed in accordance with this Bylaw.
- 4. An Urban Beekeeping Licence may not be issued to an individual under the age of eighteen (18) years. However, may be issued to anyone 16 or 17 years of age provided a Parent or Guardian sign off on the Licence form.

Urban Beekeeping Licence Application and Information

- 5. Before the issuance or renewal of a licence pursuant to this part, the owner of the Hive must submit to the Licensing Authority:
 - a. a completed Urban Beekeeping Licence application form;
 - b. the appropriate licence fee as prescribed in the Town's Fees and Rates Bylaw;
 - c. any other additional information required by the Licensing Authority, including, but not limited to:
 - i. the name, address, and contact information of the Beekeeper;

- ii. written permission from the registered property owner to install Hives on the property, where the Beekeeper is not the registered property owner;
 - iii. written permission from the authorized property leaseholder or license holder to install Hives on property, where the Beekeeper is not the authorized leaseholder or licence holder of the property;
 - iv. a drawing that shows the hive location on the property, and associated setbacks if there is no solid fence and/or the property is adjacent to a Pedestrian Walkway;
 - v. proof of success in urban beekeeping training from an accepted organization or association;
 - vi. proof of support and assistance from a qualified mentor for the first year of beekeeping;
 - vii. a disease and swarm control plan;
 - viii. proof of registration with the Provincial Apiculturist every year by June 30; and
 - ix. a copy of the premise's identification number pursuant to the *Animal Health Act* when hives are being medicated.
6. Notwithstanding Section 5, at the time of initial application for an Urban Beekeeping License, the applicant must submit to the Licensing Authority written permission from all Adjoining Neighbours to install Hive(s) on the property.
7. An Urban Beekeeping License is required for each property that has a Hive.
8. Urban Beekeeping Licenses are valid for one (1) calendar year January 1 to December 31.
9. No person shall give false information when applying for an Urban Beekeeping License pursuant to this Urban Beekeeping Bylaw.
10. The Licensing Authority may refuse to issue an Urban Beekeeping Licence or may revoke an Urban Beekeeping Licence by providing written notice to the applicant or licensee.

Licence Transfers

11. Urban Beekeeping Licences issued under this Bylaw shall not be transferable from one person or property to another.

PART 3

RESPONSIBILITIES OF THE URBAN BEEKEEPER

12. Beekeepers must comply with the *Bee Act* and the *Animal Health Act*.
13. Beekeepers, or the owner of any parcel of land on which the Bees are kept, must ensure:
 - a. good husbandry practices and maintenance to prevent swarming, aggressive behaviour, and disease; and
 - b. that adequate water is provided at all times for the Bees to deter the Bees from seeking water from alternate sources.

PART 4

URBAN BEEKEEPING GENERAL REGULATIONS

14. Beekeeping in parks, reserve land, or on open spaces occupied or managed by the Town is not permitted under this Bylaw.
15. Notwithstanding section 13, applications to keep Bees may be considered for open spaces that are leased from the Town, subject to permission from the lessee and the Town.
16. This Bylaw applies to the activity of beekeeping for personal use only. Selling of honey commercially is a violation of Bylaw 2019/16V.
17. This Bylaw does not relieve a person from complying with any Federal or Provincial law or regulation, other Town Bylaw, or any requirement of any lawful permit, order or licence.

PART 5

HIVE REQUIREMENTS FOR URBAN BEEKEEPING

General Hive Requirements

18. A Hive must include a bottom board, a Hive cover and the Hive must not measure more than 152.4 cm (60 in.) x 51 cm (20 in.) x 51 cm (20 in.). As many supers can be added to the hive provided it does not go over 152.4cm (60 in) in height.
19. Hives are restricted to the rear yard of a property.
20. Hive entrances are to be directed away from adjoining properties.
21. Hives are to be located:

- a. a minimum of three (3) metres (10 feet) from all property lines; or
- b. within a rear yard enclosed by a fence or hedge a minimum of 1.52 metres (5 feet) in height.
- c. Hives on properties located adjacent to pedestrian walkways must be located a minimum of three (3) metres (10 feet) from the property line adjacent to the pedestrian walkway and within a rear yard enclosed by a fence or hedge a minimum of 1.52 metres (5 feet) in height.

Hives Located on Residential Properties

- 22.A maximum of two (2) Hives are permitted on one (1) parcel of residential land. A third emergency hive can be added to help prevent swarms and overflow. Once any bees are in the third hive, it must be relocated within two weeks. The third emergency hive shall not have more than 2 supers.

Hives Located on Non-Residential Properties

- 23.A maximum of two (2) Hives are permitted on one (1) parcel of non-residential land with an area less than 929 m² (10,000 ft²). The emergency hive applies here.
- 24.A maximum of four (4) Hives are permitted on one (1) parcel of non-residential land with an area equal to or greater than 929 m² (10,000 ft²). The emergency hive applies here.
- 25.Hives located in open spaces, without defined rear yards, must be located a minimum of three (3) metres (10 feet) from all property lines and be located within a secure enclosure a minimum of 1.52 metres (5 feet) in height. The emergency hive applies here.

PART 6

ENFORCEMENT

Offence

- 26.At any reasonable time, the Licensing Authority or a Peace Officer may enter upon any property in order to ascertain whether or not the provisions of this Bylaw are being observed.
- 27.Should a beekeeping site, Hive, or Beekeeper be found to be non-compliant with this Bylaw at any time, the Urban Beekeeping Licence may be revoked. Should Hive(s) and Bees need to be relocated, all costs and associated expenditures related to the removal shall be the responsibility of the property owner.

28. A person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

29. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

30. A Person who is guilty of an offence under this Bylaw is liable:

- a. to a fine of \$250.00; or
- b. on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

31. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any Early Payment fine amount) established by this Bylaw.

32. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

33. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:

- a. specifying the fine amount established under this Bylaw; or
- b. requiring an appearance in court without the option of making a voluntary payment.

34. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

SEVERABILITY AND REPEAL

35. It is the intention of Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this

Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

36. A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

37. Fees under the Fees and Rates Bylaw may, from time to time, be amended.

THAT this Bylaw shall take effect on November 12, 2019 and upon signing by the Mayor and Chief Administrative Officer.


READ a first time in Council assembled this 17th day of September, 2019.

READ a second time in Council assembled this 12th day of November, 2019.

READ a third time in Council assembled and passed this 12th day of November, 2019.



Tammy Burke, Mayor



Dean Krause, CAO

November 18, 2019
Date