



Town of High Prairie

Bylaw No. 12-2020



A BYLAW OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF BEES WITHIN THE TOWN OF HIGH PRAIRIE

WHEREAS pursuant to section 7(a) of the *Municipal Government Act*, RSA 2000, a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

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; and

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

WHEREAS pursuant to section 8 of the *Municipal Government Act*, a Council may in a Bylaw passed regulate or prohibit, and provide for a system of licenses, permits or approvals, including any or all of the matters listed therein; and

WHEREAS Council deems it necessary to assess the viability of urban residential honeybee keeping within the Town of High Prairie on a pilot basis; and

WHEREAS Council wishes to regulate the keeping of honeybees in a responsible manner that ensures that beekeeping is a positive addition to the community, whilst safeguarding public health and safety;

NOW THEREFORE pursuant to section 7 and 8 of the *Municipal Government Act*, RSA 2000 Chapter M-26, Council of the town of High Prairie, in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

- 1. This Bylaw may be cited as the "Beekeeping Bylaw".

Handwritten initials BP

DEFINITIONS

2. In this Bylaw:

- (a) "Animal Health Act" means the *Animal Health Act*, SA 2007, Chapter A-40.2, and any amending or succeeding legislation, and associated regulations;
- (b) "Bee" means the insect *Apis mellifera* L, also known as honeybees;
- (c) "Bee Act" means the *Bee Act*, RSA 2000, Chapter B-2, and any amending or succeeding legislation, and associated regulations;
- (d) "Beekeeper" means a person registered and Licensed to own and posses Bees or beekeeping equipment or both;
- (e) "Beekeeping equipment" means Hives, parts of Hives and bee containers that are used in connection with Beekeeping;
- (f) "Beekeeping License" means a License issued pursuant to this Bylaw authorizing the License Holder to keep Bees and/or Beekeeping equipment on a specific property within Town;
- (g) "Council" means the duly elected Council of the Town of High Prairie;
- (h) "Hive" means Bee Hive equipment inhabited by live Bees;
- (i) "Licensing Authority" means the Chief Administrative Officer or a person appointed by the Chief Administrative Officer to issue Beekeeping License on behalf of the Town of High Prairie;
- (j) "Neighbours" means all the properties located within 300 feet radius from a property where an application for a Beekeeping License has been received or approved;
- (k) "Peace Officer" means a Peace Officer appointed by the Town of High Prairie, a member of the Royal Canadian

Mounted Police or a Fish and Wildlife Officer or a Sheriff and any other persons designated by the Town to enforce the provisions of this Bylaw;

- (l) "Provincial Apiculturist" means the individual designated as the Provincial Apiculturist under the *Bee Act*;
- (m) "Public Place" means a place or building located within the corporate boundaries of the Town of High Prairie, whether publicly or privately owned, to which members of the public have access by right or invitation, whether expressly or implied, and includes but is not limited to schools, playgrounds, parks, cemeteries and places of worship.
- (n) "Town" means the Town of High Prairie, a municipal corporation of the Province of Alberta, and includes, where the context requires, the area contained within the corporate boundaries of the Town of High Prairie.
- (o) "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.
- (p) "Violation Ticket" means Violation Ticket as defined in the *Provincial Offences Procedure Act* and any amending or succeeding legislation.

LICENSING REQUIREMENTS

- 3. No person shall keep Bees or Beekeeping Equipment in Town without having a Beekeeping License issued in accordance with this Bylaw.
- 4. A Beekeeping License may not be issued to an individual that is under the age of eighteen (18) years.
- 5. Bees kept on a property in accordance with a License shall be for personal use only. A business License is required for the commercial sale of Bee products within Town.

6. A Beekeeping License issued pursuant to this Bylaw shall not be transferable from one person or property to another.
7. A Beekeeping License is valid for a period of one year. A person who intends to keep Bees for more than a year must renew their License annually.
8. Council shall set the fee for a Beekeeping License, which shall be reviewed from time to time, in accordance with the Fees Bylaw.
9. Prior to the issuance of a Beekeeping License, the owner of a Hive must submit to the Licensing Authority:
 - (a) a completed Beekeeping License application form;
 - (b) the appropriate fees set by Council and prescribed on the application form;
 - (c) any other information, including but not limited to:
 - i. the name, address and contact information of the site owner;
 - ii. written permission from the land owner, if the Beekeeper is not the landowner;
 - iii. proof of providing notification to all neighbours located within 300 feet radius from the site;
 - iv. confirmation of the location of the Hive in relation to the property and compliance with setback requirements, in the form of a site plan or photographic evidence;
 - v. proof of completing a Alberta Beekeeping training course from a recognized organization or association;
 - vi. swarm and disease control plan;
 - vii. proof of support from an accepted mentor for the first year of Beekeeping;
 - viii. certificate of registration with the Provincial Agriculturalist.

10. The Licensing Authority may, in consultation with Council, limit the number of Beekeeping Licenses that are issued within the Town to safeguard public safety and health

HIVE REGULATIONS AND REQUIREMENTS

11. Each approved site shall house one (1) Hive consisting of a bottom board and Hive cover with a recommended number of four (4) supers. Each site may keep a Nucleus (nuc) Hive to provide options for good animal husbandry practices and Hive management.
12. Hives shall not measure more than 127cm (50 in.) x 51 cm (20 in.) x 51 cm (20 in.)
13. Hives shall:
 - (a) be allowed only on properties with a secured backyard enclosed by a solid fence or a vegetative hedge at least 1.5 meters (5 feet) high;
 - (b) be located only in the rear yard of a property;
 - (c) be located at least 25 meters (82 feet) away from any Public Place;
 - (d) maintain a minimum setback distance of 3 meters (10 feet) from the front and side property lines;
 - (e) be placed such that Hive entrances are directed away from adjacent residential properties;
14. A minimum separation distance or buffer of 91 meters (300 feet) shall be kept or maintained between an approved site and another approved site within Town, to safeguard public safety and health.
15. The keeping of Bees in all Public Places is not permitted under this Bylaw.

BEEKEEPER'S RESPONSIBILITIES

16. A Licensed Beekeeper shall:

- (a) comply with the *Bee Act* and the *Animal Health Act* and related regulations;
- (b) adhere to good husbandry practices and maintain Bees in such a condition so as to prevent swarming, aggressive behaviour and disease;
- (c) ensure that adequate water is provided at all times for the Bees to deter the Bees from seeking water from alternate sources
- (d) drawing that shows the Hive location on the property and the associated setbacks;
- (e) immediately report to the Licensing Authority any swarms and/or diseases they observe, including any steps taken to rectify the issue;
- (f) make available for immediate inspection themselves, Hives or any other materials related to Beekeeping upon reasonable request from the Licensing Authority or a Peace Officer;
- (g) comply with the provisions of this Bylaw.

17. Nothing in this Bylaw relieves a person who has been issued a Beekeeping License from complying with any applicable municipal, provincial and federal legislation.

LICENSE REFUSAL AND REVOCATION

18. The Licensing Authority may refuse an application for a Beekeeping License where:

- (a) the applicant failed to provide any or all the required information relevant to make a decision on the application; and/or
- (b) there is enough evidence to conclude that issuance of the License would create adverse impact on neighbour(s) due to health or other concerns.

19. The Licensing Authority may revoke a Beekeeping License by providing written notice to the applicant or Licensee where:

- (c) the License was issued in error; or
- (d) the License was issued based on false, inaccurate, incomplete or misleading information provided by the applicant; or
- (e) an approved site, Hive or Beekeeper is found to be non-compliant with the terms and conditions of the License or the provisions of this Bylaw at any given time.

ENFORCEMENT

20. At any reasonable time, the Licensing Authority or a Peace Officer may enter onto a property in order to ascertain whether or not the provisions of this Bylaw are being complied with.

OFFENCES AND PENALTIES

21. A person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
22. Where a Peace Officer believes that a person has contravened any provisions of this Bylaw, the Officer may commence proceedings against the person by issuing:
- (a) a Municipal Violation Tag specifying the fine amount established by this Bylaw, which must be paid in lieu of prosecution; or
 - (b) a Violation Ticket specifying the fine amount established by this Bylaw, which may be paid voluntarily in lieu of prosecution; or requiring a court appearance without the option of making a voluntary payment.
23. Where the offence 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 separate offence.
24. A person who is guilty of an offence under this Bylaw is liable:
- (a) to a fine amount of \$250.00; or

(b) upon summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

25. Notwithstanding any of the above penalties, should Hive(s) and Bees need to be relocated, all costs and related expenses shall be the responsibility of the property owner.

SEVERABILITY

26. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

EFFECTIVE DATE

27. This Bylaw shall come into full force and effect upon the date of its final passing and end on thereof.

28. Unless otherwise extended by Council, this Bylaw shall terminate on September 30, 2022.

Given First Reading given on the 23rd day of June, 2020

Given Second Reading given on the 14th day of July, 2020.

Given Third Reading and Final given on the 14th day of July, 2020.



Brian Panasiuk, Mayor



Brian Martinson, CAO