

**CITY OF COLD LAKE
BYLAW NO. 815-AD-23
URBAN BEEKEEPING**

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO REGULATE
URBAN BEE KEEPING WITHIN THE JURISDICTION OF THE CITY OF COLD LAKE

PURSUANT Section 7(a) of the *Municipal Government Act, RSA 2000, c M-26* 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 8 of the *Municipal Government Act*, a Council may by Bylaw regulate or prohibit; and provide for a system of licenses, permits or approvals;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act, RSA 2000, c M-26*, as amended, the Council of the City of Cold Lake duly assembled, enacts as follows:

SECTION 1 – TITLE

1.1. This Bylaw shall be cited as the “Urban Beekeeping Bylaw”.

SECTION 2 – DEFINITIONS

- 2.1. “Adjoining Neighbor” means an owner or occupant of a property that is contiguous to a Subject Property along a common property boundary;
- 2.2. “Animal Control Tribunal” means a tribunal comprised of three (3) members of Council, as established in the City’s *Animal Care and Control Bylaw*.
- 2.3. “Animal Health Act” means *Animal Health Act, SA 2007, C A-40.2*, as amended, including the associated regulations;
- 2.4. “Appeal Committee” means a Committee appointed by the CAO in accordance with this Bylaw;
- 2.5. “Bee” means the insect *Apis mellifera* L.;
- 2.6. “Bee Act” means the *Bee Act, RSA 2000, cB-2*, and any amending or succeeding legislation, and associated regulations;
- 2.7. “Bee disease” means any disease, pest or parasite designated in the regulations as a bee disease;
- 2.8. “Beekeeper” means a person who owns and possesses bees or beekeeping equipment or both;
- 2.9. “Beekeeping equipment” means hives, parts of hives and bee containers, that are capable of transmitting bee diseases;
- 2.10. “Beekeeping License” means a license issued under this bylaw that authorizes the keeping of Bees in the City;
- 2.11. “CAO” means the person holding the office of the Chief Administrative Officer of the City of Cold Lake;
- 2.12. “City” means the City of Cold Lake;
- 2.13. “Hive” means beehive equipment inhabited by live Bees;
- 2.14. “Municipal Violation Tag” means a notice that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- 2.15. “Peace Officer” has the meaning set out in the *Provincial Offences Procedure Act, RSA 2000, c p-3*;
- 2.16. “Premises Identification Number” means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the *Animal Health Act* to owners of livestock;
- 2.17. “Provincial Apiculturist” means the individual designated as the Provincial Apiculturist in accordance with the *Bee Act*;

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- 2.18. "Subject Property" means a lot or parcel of land in respect of which a Bee License is sought or has been issued;
- 2.19. "Super" means a Bee Hive box which holds frames used for brood rearing or storing honey;
- 2.20. "Violation Ticket" has the same meaning as in the *Provincial Offence Procedure Act*.

SECTION 3 – PURPOSE

- 3.1. The purpose of this bylaw is to establish a licensing program to permit, regulate and control the keeping of Bees within the City on Non-Agricultural lands.

SECTION 4 – BEEKEEPING LICENCE

- 4.1. In the City, on Non-Agricultural Land, no Person shall:
- 4.1.1. own or keep Bees unless properly licensed in accordance with this Bylaw;
 - 4.1.2. allow or permit any person to keep Bees until the person has obtained a license in accordance with this Bylaw;
 - 4.1.3. keep Bees where a previous Beekeeping License issued pursuant to this Bylaw has expired until such license has been renewed;
 - 4.1.4. sell Bees or Bee products including honey from lands zoned as residential per the City of Cold Lake Land Use Bylaw.
- 4.2. An Urban Beekeeping License may not be issued to an individual under the age of eighteen (18) years.
- 4.3. A Bee License may authorize a person to keep maximum of one beehive subject to the following conditions:
- 4.3.1. license shall be valid for one year following the date of issuance;
 - 4.3.2. licenses are non-transferable from one person to another or from one property to another;
 - 4.3.3. licenses may only be considered for Subject Properties with a dwelling unit that meets the definition of the City of Cold Lake Land Use Bylaw of a "Dwelling Single Detached" or "Manufactured Home";
 - 4.3.4. the subject property must be enclosed by a fence;
 - 4.3.5. bee site is limited to one beehive; bee site must also keep a nucleus (nuc) hive, in order to prevent swarming. As license holders may only have one bee colony on their property at a time, if a second colony forms within the nuc they must notify the City and work with a bee keeping community to have the bees relocated as soon as reasonably possible.
- 4.4. The City shall have the authority in its sole discretion to determine the number of Bee Licenses to issue annually, and may issue a limited number of licenses to applicants.

SECTION 5 - APPLICATION

- 5.1. No license shall be granted until such time as the applicant has provided to the satisfaction of the Licensing Authority:
- 5.1.1. proof that the applicant is a natural person aged 18 years or older;
 - 5.1.2. a completed Urban Beekeeping License application form;
 - 5.1.3. the appropriate license fee prescribed in Schedule A; and
 - 5.1.4. any other additional information required by the Licensing Authority, including, but not limited to:
 - 5.1.4.1. the name, address, and contact information of the Beekeeper;
 - 5.1.4.2. written permission from the registered property owner to install Hives on the property, where the Beekeeper is not the registered property owner;

- 5.1.4.3. a copy of a Certificate of Title for the Subject Property issued by the Land Title Office no more than two weeks prior to the date of application;
 - 5.1.4.4. 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;
 - 5.1.4.5. proof of success in urban beekeeping training from an accepted organization or association;
 - 5.1.4.6. proof of support and assistance from a qualified mentor for the first year of beekeeping;
 - 5.1.4.7. a disease and swarm control plan;
 - 5.1.4.8. proof of registration with the Provincial Apiculturist every year by June 30;
 - 5.1.4.9. a copy of the Premises Identification Number (PID) pursuant to the *Animal Health Act*;
 - 5.1.4.10. written confirmation that all Adjoining Neighbours have been notified of the intent to apply for the Bee License on the Subject Property; and
 - 5.1.4.11. proof of liability insurance of not less than two million Canadian Dollars (\$2,000,000).
- 5.2. A licensee having held a Beekeeping License in the previous year may, at the discretion of the Licensing Authority, apply to renew their license by paying the fee as described in Schedule "A".
- 5.3. The Licensing Authority may refuse to issue an Urban Beekeeping License or may revoke an Urban Beekeeping License, if in their opinion there are just and reasonable to do so, this includes but not limited to the following reasons:
- 5.3.1. an applicant for, or holder of, a Beekeeping License does not meet or has ceased to meet the requirements of this Bylaw;
 - 5.3.2. an applicant has submitted false information;
 - 5.3.3. an applicant for, or holder of, a Beekeeping License has outstanding unpaid fines this Bylaw, Animal Care and Control Bylaw;
 - 5.3.4. an applicant for, or holder of, a Beekeeping License has received complaints and/or concerns from any person including but not limited to their adjacent neighbours which the City determines to be valid and substantive concerns that has not been resolved;
 - 5.3.5. in the opinion of the City, it is in the public interest to refuse to issue, renew, or revoke a Beekeeping License.
- 5.4. The Licensing Authority may refuse to issue an Urban Beekeeping License or may revoke an Urban Beekeeping License by providing written notice to the applicant or licensee.
- 5.5. The City will notify Adjoining Neighbours when the Beekeeping License is issued.
- 5.6. This Bylaw does not exempt a person from complying with the Federal or Provincial laws or regulations, other City Bylaws, or any lawful permit, order, or license.

SECTION 6 – APPEAL

- 6.1. An appeal lies from a decision of the Licensing Authority to:
- 6.1.1. issue a Beekeeping License, if the appellant is an Adjoining Neighbour;
 - 6.1.2. impose conditions on a Beekeeping License, if the appellant is the person who applied for the License or is an Adjoining Neighbour;
 - 6.1.3. refuse to issue or renew a Beekeeping License, if the appellant is the person who applied for the Beekeeping License;
 - 6.1.4. revoke a Beekeeping License, if the appellant is the holder of the Beekeeping License that was revoked.

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- 6.2. An appeal must be in writing, addressed to the CAO, received no later than 14 days after the decision appealed from is issued.
- 6.3. An Adjoining Neighbour may appeal only if the grounds of appeal are:
 - 6.3.1. that the keeping of bees on the Subject Property is likely to have a materially adverse effect on the Adjoining Neighbour or of a person living in the premises of the Adjoining Neighbour; or
 - 6.3.2. a reason or factor listed in sections 6.1.1, 6.1.2, 6.1.3, 6.1.4.
- 6.4. As soon as reasonably practicable and in any event not more than fourteen (14) days after receiving a notice of appeal, the CAO shall schedule a meeting of the Animal Control Tribunal for the purpose hearing the appeal.
- 6.5. The Animal Control Tribunal shall schedule the hearing of the appeal within thirty (30) days after notice of the appeal has been received and provide notice of the hearing to the person who applied for the Beekeeping License, the Licensing Authority and the appellant.
- 6.6. Subject to the requirements of the Bylaw, the Animal Control Tribunal members shall from among themselves, choose a Chair and may establish a procedure consistent with principles of natural justice for the hearing of the appeal.
- 6.7. The Animal Control Tribunal shall provide its decision in writing, with reasons, to all affected parties after the hearing of the appeal. The Animal Control Tribunal may:
 - 6.7.1. uphold the decision of the Licensing Authority;
 - 6.7.2. vary the decision of the Licensing Authority, including imposing conditions on a Beekeeping License that differ from any conditions imposed by the Licensing Authority; or
 - 6.7.3. overturn the decision of the Licensing Authority.

SECTION 7 – RESPONSIBILITY OF THE BEEKEEPER

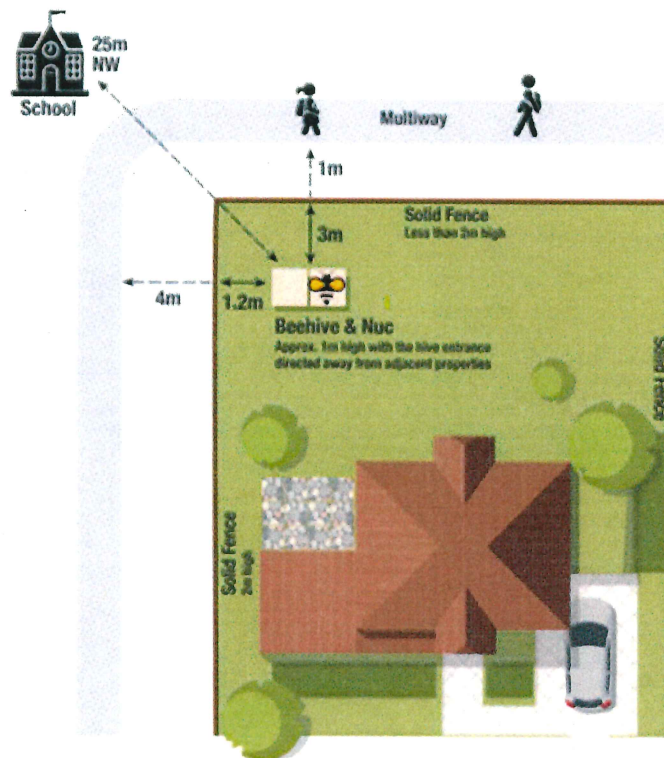
- 7.1. Beekeepers must comply with the *Bee Act* and the *Animal Health Act*.
- 7.2. Beekeepers must ensure:
 - 7.2.1. good husbandry practices and maintenance to prevent swarming, aggressive behaviour, and disease;
 - 7.2.2. that adequate water is provided at all times for the Bees to deter the Bees from seeking water from alternate source;
 - 7.2.3. that the City is notified of any unusual bee behaviours such as swarming, signs of disease or any unusual situation; and
 - 7.2.4. That the area around the beehive and nuc is kept free of hive scraping or other debris to minimize the likelihood of attracting other bees, wasps or other unwanted visitors.
- 7.3. Beekeepers must carry liability insurance (valued at not less than \$2,000,000 Canadian dollars) to cover accidents related to bees and their beekeeping activities.
- 7.4. Bees must be obtained from reliable source. Aggressive bees must be returned safely to a bee distributor and replaced.
- 7.5. Beekeepers must designate someone to monitor the beehive and nuc if they will be away for more than one week. It is recommended that a designated person visit and monitor the beehive, nuc and the property at least once a week.

SECTION 8 – BEEHIVE REQUIREMENTS

- 8.1. The beehive and nuc must have a bottom board and a hive top cover. The Hive must measure more than 1.27m x 0.508m x 0.508m.
- 8.2. Beehives and nuc are restricted to the rear yard of a property.
- 8.3. Beehive and nuc must be placed at least three metres away from all adjacent property lines unless neighbouring properties are separated by a solid fence or hedge at least two meters high.

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- 8.4. Beehive and nuc must be a minimum of three metres from public rights-of-way (lanes, pedestrian pathways, sidewalks, etc.) or private roads.
- 8.5. Bee site must be located at least 25 metres away from public places including schools, playgrounds, sports fields and hospitals.
- 8.6. Beehive must be situated to allow bees a direct flightpath to the beehive and nuc while controlling the potential for bees to become a nuisance to neighbours.
- 8.7. Bee flightpath must be higher than two metres. This may be done by placing a fence or hedge in front of the hive entrance to encourage bees to fly upward as soon as they exit the hive.
- 8.8. Beehive entrances must be away from adjoining properties, unless doing so will result in poor sun or excessive wind exposure, which would compromise the healthy function of the beehive and nuc.
- 8.9. Beehive and nuc may consist of a total of up to six supers recommended to be set up as four for the beehive and two for the nuc.



SECTION 9 – ENFORCEMENT

- 9.1. A person who contravenes any provision of the Bylaw is guilty of offence.
- 9.2. At any time, the Licensing Authority or a Peace Officer may enter upon any Subject Property to inspect for compliance with this bylaw.
- 9.3. Should the Bee site, hive and nuc, or Bee Keeper be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including but not limited to:
 - 9.3.1. issuing a Municipal Violation Tag or Violation Ticket;
 - 9.3.2. revocation of a Beekeeping License;
 - 9.3.3. issuance of a Stop Order under Section 645 of the *Municipal Government Act*;
- 9.4. Should the beehives and bees need to be relocated, all cost and associated expenditures related to the removal shall be the responsibility of the property owner.
- 9.5. 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 offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.
- 9.6. A person who is guilty of an offence under any section of this Bylaw is liable to the penalty specified in Schedule "A".

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- 9.7. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
- 9.8. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the fine amount may be made as directed by the Violation Ticket.

SECTION 10 – ENACTMENT

10.1. This bylaw shall come into full force and effect immediately upon the date of its final passing.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 10th day of October, A.D. 2023, on motion by Councillor Mattice.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of November, A.D. 2023, on motion by Councillor Lefebvre, as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of November, A.D. 2023, on motion by Councillor Parker.

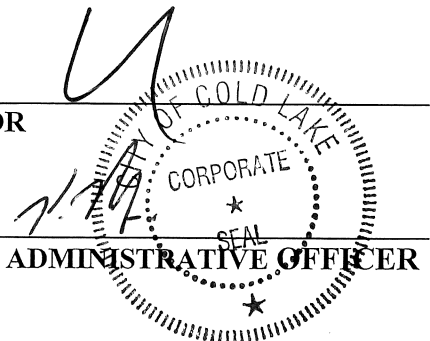
**CARRIED
UNANIMOUSLY**

Executed this 28th day of November, 2023.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER



CITY OF COLD LAKE
BYLAW NO. 815-AD-23
URBAN BEEKEEPING

Schedule "A"
Fees and Penalties

Fee Description	Annual Fee
Beekeeping License Fee	\$30

Enforcement	Penalty
First Offence	\$250
Second Offence (within the same calendar year as first offence)	\$500
Third Offence (within the same calendar year as first offence)	\$750

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