

## **BYLAW 43-2011**

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING APICULTURE WITHIN THE MUNICIPAL BOUNDARIES OF STRATHCONA COUNTY.

WHEREAS it is deemed advisable to regulate apiculture within the municipal boundaries of Strathcona County;

NOW THEREFORE, THE COUNCIL OF STRATHCONA COUNTY, in the Province of Alberta, duly assembled and pursuant to the authority conferred upon it by the Municipal Government Act, RSA 2000, c. M-26, as amended, enacts as follows:

### **1.0 SHORT TITLE**

1.1 This Bylaw may be cited as the "Apiculture Bylaw".

### **2.0 DEFINITIONS**

2.1 "Apiary" means a place in which a colony or colonies of bees are kept.

2.2 "Apiary Site Plan" means a property site plan outlining where apiculture activities are located.

2.3 "Apiculture" means the keeping of and management of Bees.

2.4 "Apiculture Permit" means an authorization issued by the Director or his designate pursuant to this Bylaw.

2.5 "Bee" shall mean the insect *Apis mellifera L.*

2.6 "Beehive" shall mean anything used to house Bees or honeycomb.

2.7 "County" shall mean Strathcona County.

2.8 "County Bylaw Enforcement Officer" shall mean a Bylaw Enforcement Officer appointed by the County to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer.

2.9 "Director" means the Director of Transportation and Agriculture Services or his designate.

2.10 "Land Use Bylaw" shall mean the Land Use Bylaw 8-2001 of Strathcona County, as amended or replaced from time to time.

2.11 "Nuisance" shall mean any Bees or apiculture activities injurious or obnoxious to a Person, property, or to the community at large.

- 2.12 "Person" includes a firm, organization, partnership, society or unincorporated entity.
- 2.13 "Public Meeting Place" any building or designated gathering place where the public may gather.
- 2.14 "Violation Tag" shall mean a tag or similar document issued by the County pursuant to the Municipal Government Act, RSA 2000, c. M-26.
- 2.15 "Violation Ticket" shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34 and Regulations there under.

### **3.0 APPLICABILITY OF BYLAW**

- 3.1 The provisions of Section 4, 5 and 6 of this Bylaw shall not apply to property located within the County which are classified by the Land Use Bylaw as follows:
  - 3.1.1 Agriculture: Future Development (AD) where a parcel of land is not within the boundary of a Hamlet
  - 3.1.2 Agriculture: Future Development (AD) where a parcel of land is within the boundary of a Hamlet and the parcel is greater than or equal to 10 hectares (24.7 ac.) in area
  - 3.1.3 Agriculture: General (AG)
  - 3.1.4 Agriculture: River Valley (AR)
  - 3.1.5 Agri-business (IA)
  - 3.1.6 Heavy Industrial (IH)
  - 3.1.7 Medium Industrial (IM)
  - 3.1.8 Rural Residential/Agriculture (RA) where a parcel of land is greater than or equal to 8 hectares (20 ac.) in area

### **4.0 APICULTURE REGULATION**

- 4.1 Apiculture shall not be allowed within the County except as provided for in Section 5 of this Bylaw.

4.2 Apiculture shall not occur on any parcel of land classified as one of the following Land Use Districts by the Land Use Bylaw:

- (a) **Airport (A)**
- (b) **Community Commercial (C1)**
- (c) **Arterial Commercial (C2)**
- (d) **Highway Commercial (C3)**
- (e) **Major Commercial (C4)**
- (f) **Service Commercial (C5)**
- (g) **Recreation Commercial (C6)**
- (h) **Local Commercial (C7)**
- (i) **Direct Control (DC)**
- (j) **Eco-business (IE)**
- (k) **Local Industrial (IL)**
- (l) **Conservation (PC)**
- (m) **Recreation (PR)**
- (n) **Services (PS)**
- (o) **Utilities (PU) – (Urban Service Area only)**
- (p) **Estate Residential (RE)**
- (q) **Hamlet (RH)**
- (r) **Manufactured Home (RM)**
- (s) **Single Detached Residential A (R1A)**
- (t) **Single Detached Residential B (R1B)**
- (u) **Single Detached Residential C (R1C)**
- (v) **Semi-detached Residential (R2A)**
- (w) **Low Density Site Residential (R2B)**
- (x) **Low Density Multiple Residential (R3)**
- (y) **Medium Density Multiple Residential (R4)**
- (z) **High Density Multiple Residential (R5)**

#### 5.0 **APICULTURE PERMIT**

- 5.1 No Person shall practice Apiculture in the County unless and until a valid Apiculture Permit has been issued by the Director or his designate.
- 5.2 Any Person desiring to practice Apiculture within the County shall make written application for a Apiculture Permit as follows:
  - 5.2.1 Complete and provide to the Transportation and Agriculture Services Department a Apiculture Permit Application form as provided by the County for that purpose.
  - 5.2.2 Attached to the Permit Application an Apiary Site Plans of all areas where the applicant carries on or intends to conduct Apiculture.
  - 5.2.3 Confirm that no Apiary or Apiculture practice is within one hundred fifty metres (150 m/492 ft) of a school or other Public Meeting Place.

- 5.2.4 Confirm that landowners within a 1 km radius of the proposed Apiary have been notified.
- 5.2.5 Provide any other information that might be requested by the Director or his designate.
- 5.2.6 Confirm Provincial registration of Apiary and premise ID number.
- 5.2.7 Make payment of the fee described in the current Fees, Rates and Charges Bylaw.

and such written application shall bear the signature and address of the Person who will be engaged in Apiculture and who undertakes to be responsible for the good order and conduct thereof.

- 5.3 Any Person who obtains a Apiculture Permit shall ensure that a current accurate Apiary Site Plan is provided to the Transportation and Agriculture Services Department with respect to all areas where that Person carries on Apiculture.
- 5.4 Failure to provide a current accurate Apiary Site Plan to the Transportation and Agriculture Services Department in accordance with Section 5.3 herein is guilty of an offence and may result in the invalidation of the Apiculture Permit.
- 5.5 Any Person who is engaged in Apiculture on property located within the County without a Apiculture Permit contrary to Section 5.1, herein, is guilty of an offence.

## 6.0 **NUISANCE**

- 6.1 Any Person who is engaged in Apiculture within the municipal boundaries of the County which Bees constitute a Nuisance is guilty of an offence.
- 6.2 Upon being satisfied the Apiculture within the County may constitute a Nuisance, a County Bylaw Enforcement Officer may issue a written warning to the Person engaged in Apiculture who is responsible.
- 6.3 The written warning referred to in Section 6.2, herein, shall state:
  - 6.3.1 The nature of the Nuisance;
  - 6.3.2 The date by which action must be taken by the person responsible for the good order and conduct of the apiary to eliminate the Nuisance.

6.4 In the event that the Nuisance referred to in Section 6.3, herein, is not eliminated, a County Bylaw Enforcement Officer may:

6.4.1 Revoke the County Apiculture Permit.

## 7.0 **PENALTIES**

7.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A", herein.

7.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

## 8.0 **VIOLATION TAGS**

8.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision in this Bylaw.

8.2 A Violation Tag may be issued to such person:

8.2.1 either personally; or

8.2.2 by mailing a copy to such person at his last known post office address.

8.3 The Violation Tag shall be in a form approved by the County and shall state:

8.3.1 the name of the person;

8.3.2 the offence;

8.3.3 the appropriate penalty for the offence; as specified in Schedule "A" of this Bylaw;

8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

8.3.5 any other information as may be required by the County.

8.4 Where a contravention of the Bylaw is of a continuing nature, further Violation Tags may be issued by the County Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that contravention continues.

8.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.

8.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

**9.0 VIOLATION TICKET**

9.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34 as amended from time to time.

9.2 Notwithstanding Section 8.1 of the Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34 as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**10. SEVERABILITY PROVISION**

10.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

**11. REPEAL & EFFECTIVE DATE**

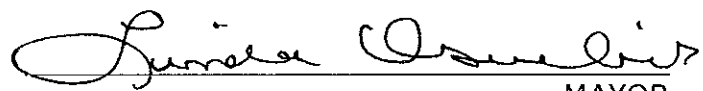
11.1 This Bylaw repeals Bylaw 6-96.

11.2 This Bylaw shall come into force after third reading and upon being signed.

Read a first time this 11 day of October 2011.

Read a second time this 11 day of October 2011.

Read a third time this 11 day of October 2011.

  
MAYOR

  
DIRECTOR, LEGISLATIVE & LEGAL SERVICES

Date Signed Oct. 14 (2011)

SCHEDULE "A"

PENALTIES

<u>Offence</u>	<u>Penalties</u>	<u>Section Subsection</u>
a. Failure to provide an Apiary Site Plan	\$100.00	5.4
b. Apiculture without a valid County Apiculture Permit.	\$100.00	5.3
c. Apiculture which constitutes a Nuisance	\$150.00	6.1