

# DRAFT POLICY STATEMENT ON THE 30-METRE RULE

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**THE OBA BOARD HAS APPROVED THE FOLLOWING DRAFT** policy statement on the 30-metre rule in the Ontario *Bees Act*. The board invites OBA members to comment on the statement over the next several months. Based on discussion with members, the board will revise the statement and issue a final statement for approval at the OBA AGM in November of 2019.

## BACKGROUND

Section 19 of the Ontario *Bees Act*, enacted in 1990, prohibits placement of hives within 30 metres of property lines where the adjacent property is used for a dwelling, community centre, public park, “or other place of public assembly or recreation”. The *Act* also prohibits hives within 10 metres of a highway, which includes all local streets and roads.

Quebec has less restrictive rules that require hives to be 15 metres distant from a public road or dwelling, unless the hive is located behind a fence. No other province has distance requirements in its laws or regulations, and all other provinces have more recent beekeeping legislation than Ontario’s.

Despite Ontario’s distance requirements, and bylaws that prohibit keeping bees in some Ontario municipalities, there are growing numbers of urban and suburban beekeepers who have established honey bee colonies in residential, institutional, and commercial areas of towns and cities throughout the province. Relatively few of these urban beekeepers are in compliance with the distance requirements of the Ontario *Bees Act* – the average lot size in Ontario towns and cities simply doesn’t allow for the vast majority of urban or suburban beekeepers to locate hives 30

metres from surrounding property lines. Even hives located on buildings several stories above ground level are often non-compliant, because the distance to adjacent property lines is measured horizontally, not vertically. OBA members also report that some commercial beekeepers with operations in agricultural areas have apiaries within 30 metres of a property line to take advantage of landscape features that benefit honey bee colonies or provide access for maintenance of the hives.

Because they are concerned they may be ordered to remove their hives, a number of urban beekeepers fail to comply with Section 21 of the *Bees Act*, which requires beekeepers to register their hives with the provincial apiarist. As a consequence, these beekeepers may fail to consult an inspector or inform the Province when hives are diseased, and are therefore also out of compliance with Sections 9 and 10 of the *Act*.

Jurisdictions across Canada, the United States, and Europe have been amending old rules and developing new ones in acknowledgement of the growth of urban beekeeping. In North America, more than 50 municipalities have created new bylaws and guidelines that welcome beekeeping and establish rules about where hives can be located and how they must be managed. Many municipalities have developed pollinator policies that encourage residents to protect habitat and grow beneficial plants for native and honey bee forage. In the US, several state governments have worked with beekeeper associations to create new guidelines for local authorities that support the development of consistent requirements at the local level.

“THE AVERAGE LOT SIZE IN ONTARIO TOWNS AND CITIES SIMPLY DOESN'T ALLOW FOR THE VAST MAJORITY OF URBAN OR SUBURBAN BEEKEEPERS TO LOCATE HIVES 30 METRES FROM SURROUNDING PROPERTY LINES.”

### THE OBA POSITION

It is time for the Province to reconsider the setback requirements of the Ontario *Bees Act*, which were promulgated 28 years ago when beekeeping was an activity mostly confined to agricultural areas. Ontario needs new rules that provide a consistent framework, that provide more flexibility for beekeeping in populated and rural areas, and at the same time encourage responsible management practices.

*The Ontario Beekeepers' Association (OBA) calls on the Province to rescind the setback requirements in Sections 19(1) and 19(2) of the Ontario Bees Act.*

*In place of these requirements, the OBA recommends that the provincial apiarist collaborate with the OBA and with interested municipalities to develop and promulgate Ontario Guidelines for Beekeepers in Residential, Commercial, and Industrial Areas.*

### FRAMEWORK

The recommended guidelines should:

1. Enumerate good beekeeping practices to ensure healthy bee colonies in populated areas,
2. Reduce safety concerns, nuisance impacts, and conflicts with neighbours,
3. Allow for bee inspectors to objectively assess compliance with these guidelines in determining whether hives kept in urban areas need to be relocated or beekeepers ordered to improve their practices.

The guidelines should include recommendations or requirements in the following areas:

- *Registering with OMAFRA's apiary inspection program.* This is already required by law. We expect that rescinding the 30-metre rule will result in an increase in urban beekeeper registrations.



- *Permission from property owners to site hives.* Some honey bee colonies may be located on properties not owned by the beekeeper. It is essential that beekeepers acquire permission from the owners of these sites in order to keep bees on the property.
- *Maximum number of hives in urban settings.* The guidelines should include examples of what would be considered a reasonable number of hives for a given property. Provincial inspectors would be expected to use their judgement in specific situations where a complaint is made.
- *Allowable hive types (removeable frames).* Again, this is already required by law but may need to be emphasized to avoid the installation of alternative hive designs that make it difficult to assess the health of the colony within.
- *Location of hives in relation to adjacent dwellings or other inhabited buildings, public walkways, parks, schoolyards, or playgrounds.* The OBA recommends that hives installed at ground level within five metres of dwellings, other inhabited buildings, public walkways, parks, schools, or playgrounds be protected by walls, a fence, or a dense hedge a minimum of 1.8 metres in height.
- *Management of hives above ground level.* Hives located on elevated structures or rooftops more than three metres above the ground should have stairs for accessibility of the beekeeper and beekeeping equipment and should incorporate appropriate safety features such as railings.
- *Signage.* Ontario beekeepers are already required to post a sign at each apiary with their name and address. Beekeepers in populated areas should also include an email address or phone number where they can be reached.
- *Maintain a source of water to discourage bees from visiting nearby pools, fishponds, bird baths, or hose bibs.* Beekeepers in populated areas should be required to maintain a fresh source of water for their bees from the beginning of April until the end of October.<sup>1</sup>

1. NOTE: STANDING WATER CAN BECOME A BREEDING GROUND FOR MOSQUITOS, WHICH MAY CARRY THE WEST NILE VIRUS. THIS IS OF CONCERN TO PUBLIC HEALTH DEPARTMENTS.

“AMONG OTHER THINGS, THE GUIDE SHOULD STRONGLY RECOMMEND THAT NEW BEEKEEPERS TAKE A BEEKEEPING COURSE FROM AN ACCREDITED INSTITUTION.”

- *Management practices to: keep colonies healthy; provide adequate space and deter swarming; manage aggressive bees; and store equipment properly.* The OBA proposes to work with OMAFRA to produce a guide and requirements for good beekeeping management practices in populated areas. Among other things, the guide should strongly recommend that new beekeepers take a beekeeping course from an accredited institution. Recommended management practices should also include: inspection for and management of pests and diseases; swarm deterrence; management of aggressive bees; and secure storage of bee equipment to prevent robbing behaviour and the spread of disease.



Jennifer Penney is a member of the OBA board and is actively involved with the coordinating committee of the Urban Toronto Beekeepers' Association. She has been keeping bees since 2013 at her son's organic farm, Fair Field, in Neustadt, Ontario.

