

**PROPOSED REGULATION OF THE DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R131-20

September 9, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 552.095.

A REGULATION relating to agriculture; requiring the owner of an apiary to notify certain persons about the existence of the apiary; requiring the owner of an apiary to post and maintain a sign on the property on which an apiary is located; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that the State Department of Agriculture has control of all matters pertaining to the apiary industry in this State and authorizes the Director of the Department to adopt regulations related to bees and apiaries. (NRS 552.095) **Section 2** of this regulation requires, with limited exception, the owner of an apiary to notify certain persons of: (1) the location of the apiary; and (2) contact information of the owner. **Section 3** of this regulation requires the owner of an apiary to post a sign on the property on which the apiary is located that includes: (1) the name of the owner; and (2) the contact information of owner.

Sections 4 and 5 of this regulation make the requirements of this regulation applicable to apiaries that exist on the effective date of this regulation. The owner of an apiary that exists on the effective date of this regulation will have 90 days after the effective date of the regulation to comply with such requirements.

Section 1. Chapter 552 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *Except as otherwise provided in subsection 3, the owner of an apiary shall notify in writing any person who owns property within 5 acres of the property on which the apiary will be located. The notification must be sent not less than 30 days before the apiary is established and must include, without limitation:*

(a) The address of the property where the apiary will be located;

(b) The name and address of the owner of the apiary; and

(c) A telephone number or email address of the owner of the apiary.

2. The owner of the apiary must maintain proof of the written notification sent to each person pursuant to subsection 1. The Department may request to inspect such proof.

3. The provisions of subsection 1 do not apply if the apiary will be located on a property that is more than 5 acres in area.

Sec. 3. *1. The owner of an apiary shall post a sign on the property on which an apiary is located. The sign must:*

(a) Be placed in a conspicuous location on the property;

(b) Be printed with text that is easily readable and at least 1 inch in height; and

(c) Include, without limitation:

(1) The name and mailing address of the owner of the apiary; and

(2) The telephone number or email address of the owner of the apiary.

2. The sign required pursuant to subsection 1 must be posted and maintained at all times that an apiary is located on the property.

3. If a sign that meets the requirements for this section is not posted and maintained on the property on which an apiary is located, the Director may, after notice and opportunity for a hearing, find the apiary abandoned and have the apiary seized and destroyed.

Sec. 4. *1. Except as otherwise provided in subsection 3, each person who owns an apiary on the effective date of this regulation shall, not later than 90 days after the effective date of this regulation, notify in writing every person who owns property within 5 acres of the property on which the apiary is located of the following:*

- (a) The address of the property where the apiary is located;
- (b) The name and mailing address of the owner of the apiary; and
- (c) A telephone number or email address of the owner of the apiary.

2. The owner of the apiary must maintain proof of the written notification sent to each person pursuant to subsection 1. The Department may request to inspect such proof.

3. The provisions of subsection 1 do not apply if the apiary is located on a property that is more than 5 acres in area.

Sec. 5. 1. The owner of an apiary that exists on the effective date of this regulation shall, not later than 90 days after the effective date of this regulation, post a sign on the property on which the apiary is located. The sign must:

- (a) Be placed in a conspicuous location on the property;
- (b) Be printed with text that is easily readable and at least 1 inch in height; and
- (c) Include, without limitation:
 - (1) The name and mailing address of the owner of the apiary; and
 - (2) The telephone number or email address of the owner of the apiary.

2. The sign required pursuant to subsection 1 must be posted and maintained at all times that an apiary is located on the property.

3. If a sign that meets the requirements for this section is not posted and maintained on the property on which an apiary is located, the Director may, after notice and opportunity for a hearing, find the apiary abandoned and have the apiary seized and destroyed.