



ORDINANCE 20-05

AMEND BYRON CITY CODE CHAPTER 94: ANIMALS TO ALLOW THE KEEPING OF HONEY BEES ON CERTAIN PROPERTIES IN THE CITY

WHEREAS, the City Council of the City of Byron is to allow the keeping of honeybees in the City; and

WHEREAS, the Planning and Zoning Commission, following proper notice, held a public hearing on September 1, 2020 to consider the above referenced draft ordinance; and

WHEREAS, the City Council discussed the Ordinance on September 8th, 2020; and

WHEREAS, at the close of the public hearing on September 1, 2020 and based on the report to the Planning and Zoning Commission, the testimonies at the public hearing, and the discussion of the Planning and Zoning Commission recommended that the City Council approve Ordinance 20-05: to Amend Byron City Code Chapter 94 Animals to Allow the Keeping of Honey Bees on Certain Properties in the City; and

WHEREAS, the Planning and Zoning Commission made the following additional written findings in making their recommendations for approval:

1. The Keeping of Honey Bees has a significant beneficial impact on the environment by means of pollination.
2. The Keeping of Honey Bees provides a food source for many species of animals and humans.
3. The Keeping of Honey Bees has adequate controls that reasonably protect the life, safety and welfare of the public.

WHEREAS, the City Council of the city of Byron concurs with the Planning and Zoning Commission's recommendation and written findings to approve Ordinance 20-05: Amend Byron City Code Chapter 94: Animals to Allow the Keeping of Honey Bees on Certain Properties in the City and the City Council hereby make the identical written findings; and

WHEREAS, the City Council of the city of Byron presented Ordinance 20-05 at a regular meeting of the City Council on September 10, 2020; and

NOW, THEREFORE, THE CITY OF BYRON ORDAINS:

Section 1: Findings. The recitals set forth in this Ordinance are incorporated into and made a part of this Ordinance, and where applicable, constitute the findings of the City Council.

"To provide valued public service and guide the City with innovative thinking toward smart growth."

Section 2: Amendments. City Code Chapter 94 Animals, amended to read as follows:

- A. 94.01 Definitions: Animal (2) Farm Animals.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (pheasants, turkeys [refer to §94.30 et seq.]), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, and other animals associated with a farm, ranch, or stable.

B. 94.60 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APIARY. The assembly of one (1) or more colonies of honey bees on a single lot.

APIARY SITES. The lot upon which an apiary is located.

BEEKEEPER. A person who owns or has charge of one (1) or more colonies of honey bees.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY. An aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

HIVE. A dome-shaped or box-like structure in which bees are kept.

HONEY BEE. All life stages of the common domestic honey bee, *apis mellifera* species.

LOT. One unit of a recorded plat, subdivision or registered land survey, or a recorded parcel described by metes and bounds.

NUCLEUS COLONY. A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

PERSON. Any individual, partnership, corporation, company, limited liability company, other entity, or unincorporated association.

REGISTRANT. Any registered beekeeper and any person who has applied for approval of a beekeeping registration.

ROOFTOP. The uppermost section of a primary or accessory structure of at least one full story and at least twelve (12) feet in height. Areas including but not limited to decks, patios and balconies shall not be considered a rooftop.

SUPER. A part of a commercial or other managed beehive, such as a hobbyist, that is used to collect honey.

SWARMING. The process where a queen bee leaves a colony with a large group of worker bees.

UNDEVELOPED PROPERTY. Any lot that is not improved with a structure that has or is required to have a certificate of occupancy; and all streets and highways.

UNUSUAL AGGRESSIVE BEHAVIOR. Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

C. 94.61 REGISTRATION.

(A) No beekeeping may occur unless the city issues a permit to the beekeeper on that specific property. This excludes properties that are zoned Agricultural and are ten (10) acres or more in size.

(B) A beekeeping permit will only be issued if:

(1) The permit application documents the satisfaction of all applicable items found in §94.60 through §94.67; and

(2) Notices have been mailed to all homes within 350 feet of the applicant's property lines.

(a) If there are objections received within 10 days of mailing the notices, the permit application must be considered by the Planning Commission with final approval by the City Council.

(b) If there are no objections received within 10 days of mailing the notices, the permit application will be processed by city staff. It will not be referred to the Planning Commission for consideration.

(C) The permit shall be renewed on a yearly basis. If a beekeeper relocates a hive or colony to a new apiary site, the beekeeper shall apply for an updated registration prior to the relocation. All information required by the forms shall be answered fully and completely by the beekeeper.

(D) Permits are non-transferable and do not run with the land.

(E) A permit constitutes a limited license granted to the beekeeper by the City and in no way creates a vested zoning right.

(F) By signing the permit, the beekeeper acknowledges that he or she shall defend and indemnify the City against any and all claims arising out of keeping the bees on the

premises.

(G) Beekeeping permit fees shall be established annually by the City Council's Fee Resolution.

(H) All standards of practice and colony density standards in §94.60 through §94.67 must be followed.

(I) If the standards of practice are not followed subsequent to issuance of a beekeeping permit, the permit may be revoked by the City.

(J) Beekeeping training is required for the beekeeper prior to issuance of an initial beekeeping permit by the City.

(1) Either provide a certificate of completion from a honeybee keeping course from an educational institution;

(2) Request consideration for substituting equivalent experience for the honey bee keeping course by providing a letter from a current beekeeping instructor or by an educational institution offering similar beekeeping courses. The letter must state that the permit applicant has gained, through other means, substantially similar knowledge that could be gained through appropriate beekeeping courses through the educational institution.

D. 94.62 REQUIRED CONDITIONS.

(A) Honey bee colonies shall be kept in hives with removable frames, which frames shall be kept in sound and usable condition.

(B) Materials from a hive or colony which might encourage the presence of honey bees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(C) For each colony permitted to be maintained in §94.60 through §94.67, there may be one nucleus colony, with no supers, in one standard sized hive structure not to exceed 9 5/8 inches in depth.

(D) Beekeeping equipment shall be maintained in good condition, including keeping the hives painted and free of peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarming honey bees.

(E) Hives shall be continuously managed to provide adequate living space for their resident honey bees in order to prevent swarming.

(F) In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.

E. 94.63 COLONY DENSITY.

(A) Every lot within the City shall be limited to the following number of colonies based on the size of the lot:

1. ½ acre or smaller = 2 colonies
2. more than ½ acre to 1 acre = 4 colonies
3. more than 1 acre to 5 acres = 8 colonies
4. more than 5 acres = up to 2 colonies per acre

(B) If any person removes honey bees from locations where they are not desired, that person shall not be considered in violation of the restriction in 94.63, if the person temporarily houses the honey bees on the apiary site of a beekeeper registered in 94.63 for no more than thirty (30) days and remains at all times in compliance with the other provisions of this Ordinance.

F. 94.64 COLONY LOCATION.

(A) Excluding lots that are zoned Agricultural and are ten (10) acres or more in size, no hive shall occupy any front yard. For the purposes of §94.60 through §94.67, a corner lot shall be considered to have two (2) front yards.

(B) In no instance shall any part of a hive be located within ten (10) feet of any lot line.

(C) In no instance shall any part of a hive be located within ten (10) feet of any dwelling unit in any zoning district.

(D) Except as otherwise provided in §94.60 through §94.67, in each instance where any part of a hive is kept within ten (10) feet of a lot line of the apiary site, the beekeeper shall establish and maintain along said lot line screening consisting of a flyway barrier of at least six (6) feet in height.

(1) The flyway barrier may consist of a wall, fence, dense vegetation, or a combination thereof, such that honey bees will fly over rather than through the material to reach the colony.

(2) If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation reaches a height of six (6) feet or higher.

(3) The flyway barrier must continue parallel to the lot line of the apiary site for ten (10) feet in both directions from the hive, or contain the hive or hives in an enclosure at least six (6) feet in height.

(4) A flyway barrier is not required if the hive is located on a rooftop or if the lot abutting the lot line of the apiary site where the flyway barrier would be required is:

(a) undeveloped property, except that the sides of the lot abutting developed property; once the undeveloped property becomes developed shall comply with the flyaway barrier requirement; or

(b) zoned Agricultural and is ten (10) acres or more in size.

G. 94.65 INSPECTION.

(A) Upon prior notice to the owner of the apiary site, a representative of the City shall have the right to inspect any apiary for the purpose of ensuring compliance with §94.60 through §94.67. Failure to allow a representative from the City to inspect will be considered a violation.

H. 94.67 DENIAL, REVOCATION OR SUSPENSION.

(A) Beekeeping registrations under the provisions of §94.60 through §94.67 may be denied, revoked or suspended by the Zoning Administrator or designee after notice and the right to request a hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statements on any application or registration form or during the course of the registered activity.

(2) The keeping of honey bees in a manner so as to constitute a breach of peace, or to constitute a menace to the health, safety, or general welfare of the public.

(3) Any violation of §94.60 through §94.67

(B) Notice of the denial, revocation, or suspension, shall be in writing, specifically setting forth the grounds for denial, revocation, or suspension and the registrant's right to request a hearing before the Council. Such notice shall be mailed to the registrant at the address listed on the application. A registrant may request a hearing by filing a written request for hearing addressed to the City Administrator within fifteen (15) days of the date of the notice. A hearing shall be held within thirty (30) days of the request. The City shall notify the registrant in writing of the time, date and location of the hearing at least five (5) days prior to the hearing. Within fifteen (15) days after the hearing the Council shall issue a written decision and that decision shall be final. A copy of the decision shall be mailed to the registrant. If the registrant fails to request a hearing within fifteen (15) days of the date of the notice, the denial, suspension, or revocation shall automatically be deemed final. A revocation or suspension of a registration shall not be effective until issuance of a decision by the Council

Byron City Code shall be amended to include the noted wording above.

ADOPTED by the City Council 8th day of September, 2020.



Daryl Glassmaker
Mayor



Mary Blair-Hoefl
City Administrator