

ORDINANCE NO. 2017-38

AN ORDINANCE AMENDING STANDARDS RELATED TO BEEKEEPING, THEREBY AMENDING CHAPTERS 1, 12, 19, AND 21 OF THE CITY CODE AND SCHEDULE OF FINES

The City Council of the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 1 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 1

INTERPRETATION AND ENFORCEMENT OF THE CITY CODE

ARTICLE II. CIVIL HEARING PROCESS

§ 1.11 CITY CODE PROVISIONS THAT ARE ADMINISTRATIVE OFFENSES.

A violation of the following provisions of the city code shall be an administrative offense that may be subject to the administrative mediation and hearing process of this Article II.

(25) Chapter 12, Article IV, Animal Code, Division D, Chickens, Farm Poultry, ~~and~~ Farm Animals, and Bees;

Section 2. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 12

PUBLIC PEACE AND SAFETY

**ARTICLE IV. ANIMAL CODE
DIVISION A: GENERAL PROVISIONS**

§ 12.91 DEFINITIONS.

APIARY. The assembly of one or more colonies of bees at a single location.

BEEHIVE. A receptacle inhabited by a colony that is manufactured for the purpose of housing bees.

BEEKEEPER. A person who owns or has charge of one or more colonies of bees.

COLONY. An aggregate of bees consisting principally of workers, but typically having one queen and at times drones, brood, combs, and honey.

FARM ANIMAL. Any of the various species of animals domesticated as to live and breed in a tame condition and kept for agricultural purposes such as, but not limited to, horses, cattle, goats, sheep, llamas, potbellied

pigs, and pigs. **FARM ANIMALS** do not include any animal considered to be farm poultry, bees, domestic or wild animals as defined in this Article IV.

DIVISION D: CHICKENS, FARM POULTRY, FARM ANIMALS, AND BEES

§ 12.116 FARM POULTRY~~[,]~~ AND FARM ANIMALS~~[, AND BEES]~~

(a) *Limitation on the number of farm poultry~~[,]~~ and farm animals~~[and bees].~~*

(2) ~~[Owners of bees, shall have at least one acre per bee hive not exceeding 24 cubic feet in size.]~~
Reserved

(4) The types and numbers of animals in subsections (a)(1)~~[, (a)(2)]~~ and (a)(3) or a combination thereof or in addition to four household domestic animals or pets. For example a one acre property able to meet all regulations set forth in city code may have one farm animal, ~~[one bee hive,]~~ four farm poultry or four chickens and four domestic animals.

(b) *Three or more dwelling unit properties.* Farm poultry~~[,]~~ and farm animals ~~[and bees]~~ are not allowed on properties with three or more dwelling units.

(f) *Ownership occupancy.* The owner of the farm poultry~~[,]~~ and farm animals ~~[and bees]~~ shall live in the dwelling on the property. ~~[Exception for bees in non-residential areas, see subsection (l) below].~~

(h) *No farm poultry or farm animals in dwellings or garages.* Farm poultry~~[,]~~ and farm animals ~~[and bees]~~ shall not be kept inside of a dwelling or garage.

(j) Shelter and enclosure requirements for farm animals ~~[and bees]~~. Farm animals ~~[and bees]~~ shall be properly protected from the weather and predators in a shelter, barn or stable, and have access to the outdoors in an enclosure or fenced area. The shelter~~[, beehives]~~ and/or enclosure shall meet all of the following requirements:

(2) Setback for shelters, or barns, for farm animals~~[, including bee hives,]~~ is a minimum of 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot;

(4) Shelter ~~[or beehives]~~ shall be situated closer to the farm animal owner's dwelling than to any of the neighboring dwellings. ~~[Exception for bees in non-residential areas, see subsection (l) below;]~~

(5) Shelter, ~~[beehives,]~~ enclosure and fenced area must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless setback at least 50 feet from the property line adjacent to the street;

(6) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four feet in height constructed according to the fence standards of § 21.301.08 shall be provided for the shelter~~[, beehives]~~ and enclosure;

(k) *Prevention of nuisance conditions.* Owners shall care for farm poultry, and farm animals~~[, and bees]~~ in a humane manner and shall prevent nuisance conditions by ensuring the follow conditions are met:

~~(l) *Exceptions for bees in non-residential areas. Bees may be kept on non-residentially zoned and used properties if:*~~

~~(1) *The hives are set back at least 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot,*~~

~~(2) *The hives are set back at least 50 feet from all other neighboring property lines,*~~

- ~~(3) The hives must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street;~~
- ~~(4) The location of hives does not create nuisance conditions for neighboring properties; and~~
- ~~(5) The hives located on rooftops must be screened in accordance with § 19.52.01.~~

§ 12.116.01 BEEKEEPING

- ~~(a) A beekeeper may not place a beehive in a front yard. For the purposes of this Section, a corner lot is considered to have two front yards.~~
- ~~(b) A beekeeper must place a beehive closer to the primary structure on the site of the beehive than any primary structure or dwelling on an adjacent site.~~
- ~~(c) A beekeeper must place a beehive at least 15 feet from any site line.~~
- ~~(d) A beekeeper must place a beehive at least 25 feet from any dwelling unit on adjacent property and at least 25 feet from any public right-of-way.~~
- ~~(e) In each instance where a beekeeper has an apiary and places a beehive less than 25 feet from the site line, as measured from the nearest point on the beehive to the site boundary, the beekeeper must establish and maintain a flyway barrier at least six feet in height.
 - ~~(1) The flyway barrier must consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the beehive.~~
 - ~~(2) The flyway barrier must continue parallel to any qualifying site lines for 10 feet in either direction from the beehive or contain the beehive or beehives within a solid enclosure that is at least six feet in height.~~
 - ~~(3) A flyway barrier is not required if the beehive is located on a rooftop at least six feet above grade.~~~~
- ~~(f) A beehive located on a rooftop is prohibited on a residential structure.~~
- ~~(g) A beehive located on a rooftop must be screened in accordance with § 19.52.01.~~
- ~~(h) A beehive(s) and an apiary, individually or in combined total, that occupies over 50 square feet in area will be calculated as an accessory building in determining the number and size allowed on each lot.~~
- ~~(i) An apiary is limited to the following number of beehives based on the size of the lot:
 - ~~(1) ½ acre or smaller = 2 beehives;~~
 - ~~(2) More than ½ acre to ¾ acre = 4 beehives;~~
 - ~~(3) More than ¾ acre to 1 acre = 6 beehives;~~
 - ~~(4) More than 1 acre to 5 acres = 8 beehives; or~~
 - ~~(5) More than 5 acres = no restriction.~~~~
- ~~(j) Each beekeeper must ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the beehive.~~
- ~~(k) Three or more dwelling unit properties. A beekeeper may not place a beehive on a property with three or more dwelling units.~~
- ~~(l) Ownership occupancy. Except for a beehive located on a non-residential site, the beekeeper of the beehive must live in the dwelling on the property.~~
- ~~(m) No beehives in dwellings or garages. Beehives must not be kept inside of a dwelling or garage.~~
- ~~(n) Beekeepers must select queens from European stock bred for gentleness and non-swarming characteristics.~~

Section 3. That Chapter 19 of the City Code is hereby amended by adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS.

APIARY. The assembly of one or more colonies of bees at a single location.

BEEHIVE. A receptacle inhabited by a colony that is manufactured for the purpose of housing bees.

BEEKEEPER. A person who owns or has charge of one or more colonies of bees.

COLONY. An aggregate of bees consisting principally of workers, but typically having one queen and at times drones, brood, combs, and honey.

Section 4. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE III. DEVELOPMENT STANDARDS

DIVISION B: USE STANDARDS

§ 21.302.05 LIMITED AGRICULTURE, BEES, AND GARDENING.

(c) *Farm animal~~[,]~~ and farm poultry~~[, and bee]~~ shelters and enclosures, and beehives. Shelters, enclosures, and fenced areas, and beehives in which farm animals, farm poultry, and bees are kept must meet the following standards.*

- (2) ~~[All other shelters, enclosures and fenced areas for farm poultry, farm animals and bees as defined in § 12.91 of this code:~~
 - ~~(A) — Must be at least 150 feet from any dwelling on a neighboring lot;~~
 - ~~(B) — Must be at least 100 feet from any lot used residentially or platted for future residential use;~~
 - ~~(C) — Must be located closer to the owner's dwelling than any dwelling on a neighboring lot;~~
 - ~~(D) — Must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street; and~~

- ~~(E) Count against the number and size of accessory buildings allowed on site if over 50 square feet in area.]~~
- Beehives. Beehives must meet the following standards:
- (A) A beekeeper may not place a beehive in the front yard. For the purposes of this Section, a corner lot is considered to have two front yards.
- (B) A beekeeper must place a beehive closer to the primary structure on the site of the beehive than any primary structure or dwelling on an adjacent site;
- (C) A beekeeper must place a beehive at least 15 feet from any site line.
- (D) A beekeeper must place a beehive at least 25 feet from any dwelling unit on adjacent property and at least 25 feet from any public right-of-way.
- (E) In each instance where a beekeeper has an apiary and places a beehive less than 25 feet from the site line, as measured from the nearest point on the beehive to the site boundary, the beekeeper must establish and maintain a flyway barrier at least six feet in height.
- (i) The flyway barrier must consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the beehive.
- (ii) The flyway barrier must continue parallel to any qualifying site lines for 10 feet in either direction from the beehive or contain the beehive or beehives within a solid enclosure that is at least six feet in height.
- (iii) A flyway barrier is not required if the beehive is located on a rooftop at least six feet above grade.
- (F) A beehive located on a rooftop is prohibited on a residential structure.
- (G) A beehive located on a rooftop must be screened in accordance with § 19.52.01.
- (H) A beehive(s) and an apiary, individually or in combined total, that occupies over 50 square feet in area will be calculated as an accessory building in determining the number and size allowed on each lot.
- (I) An apiary is limited to the following number of beehives based on the size of the lot:
- (i) ½ acre or smaller = 2 beehives
- (ii) More than ½ acre to ¾ acre = 4 beehives
- (iii) More than ¾ acre to 1 acre = 6 beehives
- (iv) More than 1 acre to 5 acres = 8 beehives
- (v.) More than 5 acres = no restriction
- (J) Each beekeeper must ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the beehive.
- (K) Three or more dwelling unit properties. A beekeeper may not place a beehive on a property with three or more dwelling units.
- (L) Ownership occupancy. Except for a beehive located on a non-residential site, the beekeeper of the beehive must live in the dwelling on the property.
- (M) No beehives in dwellings or garages. Beehives must not be kept inside of a dwelling or garage.
- (N) Beekeepers must select queens from European stock bred for gentleness and non-swarming characteristics.
- (3) [Exception for bees in non-residential areas, see subsection (e) below.] All other shelters, enclosures and fenced areas for farm poultry, and farm animals as defined in § 12.91 of this code:
- (A) Must be at least 150 feet from any dwelling on a neighboring lot;
- (B) Must be at least 100 feet from any lot used residentially or platted for future residential use;
- (C) Must be located closer to the owner's dwelling than any dwelling on a neighboring lot;
- (D) Must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street; and
- (E) Count against the number and size of accessory buildings allowed on site if over 50 square feet in area.

- ~~[(e) Non residential bee standards. Bees may be kept on non residentially zoned and used properties if:~~
- ~~(1) The hives are set back at least 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot,~~
 - ~~(2) The hives are set back at least 50 feet from all other neighboring property lines,~~
 - ~~(3) The hives must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street;~~
 - ~~(4) The location of hives does not create nuisance conditions for neighboring properties; and~~
 - ~~(5) The hives located on roof tops must be screened in accordance with § 19.52.01.]~~

Section 5. That the Schedule of Civil Fines is hereby amended by adding those words that are underlined, to read as follows:

**SCHEDULE OF CIVIL FINES
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,
ARTICLE II OF THE CITY CODE**

ADMINISTRATIVE OFFENSE	FINE
Animal Control Violations (Chapters 12 & 14)	

<u>Beekeeping Violations (12.116.01)</u>	<u>\$250.00</u>

Passed and adopted this 6th day of November, 2017.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney