



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VIII.B

**From:** Ross Bintner P.E. - Environmental Engineer  
EEC Member Latham (Presenting)

**Action**

**Discussion**

**Date:** January 20, 2015

**Information**

**Subject:** Ordinance No. 2015-02 Amending Chapter 8 of the Code Concerning Honey Beekeeping and Fowl.

**Action Requested:**

First reading of Ordinance No. 2015-02, amending Chapter 8 of the Edina City Code Concerning Honey Beekeeping and Fowl.

**Information / Background:**

The Energy and Environment Commission (EEC) is recommending code revision to allow limited bee and chicken keeping in the City. A report from the EEC on the subject and an Ordinance to that affect is attached for Council consideration. Commission member Latham will be available to present this report.

This item was heard at the November 12, 2014 Planning Commission. At that time the proposal included language that would modify chapter 36, while the attached Ordinance does not. Attached for your reference are the relevant planning commission minutes.

**Attachments:**

Ordinance No. 2015-02  
EEC Report & Attachment  
Planning Commission Minutes

**ORDINANCE NO. 2015-02**  
**AN ORDINANCE AMENDING CHAPTER 8 OF THE EDINA CITY CODE REGARDING**  
**HONEY BEEKEEPING AND FOWL**

**THE CITY COUNCIL OF EDINA ORDAINS:**

**Section I.** Chapter 8 of the Edina City Code is amended to add Article VII as follows:

**ARTICLE VII. HONEY BEEKEEPING**

**8-311. Registration.**

- (a) No beekeeper shall keep honeybees in the City without a current registration from the City of Edina Police Department.
- (b) Each beekeeper shall register with the Police Department prior to bringing any honeybees into the City.
- (c) Beekeepers operating within the City prior to the effective date of this Section shall have four (4) weeks from the date this Section goes into effect to register with the Police Department as a beekeeper.
- (d) The registration shall be upon the form provided by the City and shall include the applicable fee as set forth in section 2-724, Schedule A. If a beekeeper adds or relocates a hive or colony, the beekeeper shall update the registration prior to the addition or relocation on the form provided by the City. All questions asked or information required by the forms shall be answered fully and completely by the beekeeper.
- (e) The City beekeeping registration shall be valid until December 31 of each calendar year and shall be renewed prior to expiration each year by submitting a renewal form to the Police Department on the form provided by the City. A person no longer keeping honeybees in the City shall notify the Police Department within thirty (30) days.
- (f) Upon the initial registration, annual renewal, or change of address within City, each beekeeper shall allow the Chief of Police or his designee the right to inspect any Apiary for the purpose of ensuring compliance with this Section.
- (g) Upon initial registration or change of address within the City, the City shall notify in writing all owners of lots within two-hundred (200) feet of any lot line of the Apiary Site, of the presence of said Apiary.
- (h) Any resident within 200 feet of any lot line of an Apiary Site may file a written appeal of the approval of the initial registration to the City Manager, or their designee. If an appeal is filed, the beekeeper will be notified in writing by the City Manager or their designee.

**8-312. Required Conditions.**

- (a) Honeybee colonies shall be kept in hives with removable frames, which frames shall be kept in sound and usable condition.
- (b) Each colony on the Apiary Site shall be provided with a convenient source of water located on the Apiary Site so long as colonies remain active outside the hive.

- (c) Materials from a hive or colony which might encourage the presence of honeybees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (d) For each colony permitted to be maintained under this Section, there may also be maintained upon the same Apiary Site, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body, with no supers.
- (e) Beekeeping equipment shall be maintained in good condition, including keeping the hives painted if they have been painted, but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarming honeybees.
- (f) Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.
- (g) In any instance in which a colony exhibits Unusual Aggressive Behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior. If requeening is required, queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
- (h) Fruit trees and other flowering trees, which are located on an Apiary Site, shall not be sprayed, while in full bloom, with any substance which is injurious to honeybees.

**8-313. Colony Location.**

- (a) No hive shall occupy any front yard.
- (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 twenty (20) feet of any dwelling unit on adjacent property in any zoning district or located within twenty (20) feet of any public sidewalk.
- (d) All apiaries shall comply with Edina City Code Subpart B Land Development Regulations, Chapter 36 Zoning, Article XII, Supplementary District Regulations, Division 2 General Requirements, Section 36-1254, Customary home occupations as an accessory use.

**8-314. 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) 1/2 acre or smaller = 2 colonies
  - (2) more than 1/2 acre to 3/4 acre = 4 colonies
  - (3) more than 3/4 acre to 1 acre = 6 colonies
  - (4) more than 1 acre = 8 colonies
- (b) Regardless of lot size, if all lots within two hundred (200) feet of any lot line of the Apiary Site are undeveloped property, there shall be a limit of 12 colonies that can be kept on the Apiary Site. However, upon the development of any lot within two hundred (200) feet of any lot line of the Apiary Site, the Apiary Site shall comply with the restriction set forth in this Subdivision 5.

(c) If any person removes honeybees from locations where they are not desired, that person shall not be considered in violation of the restriction in this Subdivision 5, if the person temporarily houses the honeybees on the Apiary Site of a beekeeper registered under this Section for no more than 30 days and remains at all times in compliance with the other provisions of this Section.

**8-315. Inspection.**

(a) Upon prior notice to the owner of the Apiary Site, the Chief of Police or his designee shall have the right to inspect any Apiary for the purpose of ensuring compliance with this Section.

(b) It shall be deemed a violation of this Section for any person to resist, impede or hinder the Chief of Police or his designee in the performance of their duties in inspecting any Apiary and surrounding grounds.

**8-316. Denial, Revocation or Suspension.**

(a) Registrations issued under the provisions of this Section may be denied, revoked or suspended by the Chief of Police after notice and the right to request a hearing, for any of the following causes:

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

(2) The keeping of honeybees in an unlawful manner or a manner so as to constitute a breach of peace, or to constitute a nuisance to the health, safety or general welfare of the public.

(3) Any violation of this Section.

(b) Notice of the denial, revocation or suspension, shall be in writing, specifically set forth the grounds for denial, revocation or suspension and the person's right to request a hearing before the City Manager or his/her designee. Such notice shall be mailed, postage prepaid, to the person to his/her last known address, or shall be delivered in the same manner as a summons. Any person who desires a hearing before the City Manager or his/her designee must request the hearing in writing, within fifteen (15) days of the date of the notice, by filing a written request for a hearing with the Chief of Police. If a hearing is requested it shall be held before the City Manager or his/her designee within thirty (30) days of the request. The City shall notify the person 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 City Manager or his/her designee shall issue a written decision in the matter and that decision shall be final. If the person 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. The right to request a hearing before the City Manager or his/her designee shall be in place of any right to appeal.

**Section 2.**

Section 8-5 of the Edina City Code is amended to add the following definitions:

**Livestock** means farm animals kept for use, pleasure or profit, including, without limitation, horses, mules, sheep, goats, cattle, swine and fowl.

**Apiary means the assembly of one (1) or more colonies of honeybees on a single lot.**

Apiary Site means the lot upon which an Apiary is located.

Beekeeper means a person who: (i) is a resident of Edina who owns or has charge of one (1) or more apiaries of honeybees; and (ii) Any person who owns or controls a lot on which a colony is located.

Beekeeping equipment means anything used in the operation of an Apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

Hive means the receptacle inhabited by a colony.

Honeybee means all life stages of the common domestic honeybee, *Apis mellifera* species.

Lot means one unit of a recorded plat, subdivision or registered land survey, or a recorded parcel described by metes and bounds.

Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

Person means any individual, partnership, corporation, company, limited liability company, other entity, or unincorporated association.

Rooftop means 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 means that part of a honeybee hive used to collect honey.

Swarming means the natural process where a queen bee leaves a colony with a large group of worker bees.

Undeveloped property means: (i) any lot that is not improved with a structure that has or is required to have a certificate of occupancy; and (ii) all streets and highways.

Unusual Aggressive Behavior means any instance in which unusual aggressive characteristics such as stinging without provocation or attacking without provocation occurs.

**Section 3.** Section 8-210 of the Edina City Code is amended to provide as follows:

**Sec. 8-210. Keeping of certain animals regulated.**

No person shall keep any rabbits, mice, hamsters, guinea pigs or other rodents, ferrets or any bird, excluding female *Gallus gallus domesticus*, on any premises used for residential purposes except in a metal cage so constructed that it may be completely and easily cleaned and that the animal or animals kept therein are completely enclosed and protected from children and animals on the outside. Such animals at all times shall be kept within the dwelling or an accessory building.

**Section 4.** Section 8-212 of the Edina City Code is amended to provide as follows:

**Sec. 8-212. Keeping of certain animals prohibited.**

No person shall keep within the city:

- (a) Any livestock with the exception of a maximum of four (4) female *Gallus gallus domesticus*.
- (b) Any mammal belonging to the order Carnivora except dogs, cats and ferrets. For the purposes of this subsection, the bloodline of an individual animal must comprise not less than 51 percent domestic breeds.
- ~~(3) Honeybees and apiaries.~~
- (c) Venomous snakes.

**Section 5.** This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

Attest:

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor

# Local Food Working Group (LFWG) Report Adopted by the Edina Energy and Environment Commission (EEC)

1-09-15

Attachment 2

**General Background:** The Edina Energy and Environment Commission (EEC) established its Local Food Working Group (LFWG) on 10-10-13 to implement the Green Step Cities (GSC) Local Food Best Practice #27 Action #2, which is defined as “Facilitate creation of home/community gardens, chicken & bee keeping, and incorporation of food growing areas/access in multifamily residential developments.” To achieve GSC credit for chicken and bee keeping at the one star level, the city must “Remove restrictions to food gardening/raising of chickens/bees in residential areas.” Seventy-five Minnesota cities belong to Green Step Cities including Edina as of 11-22-14.

**LFWG Membership** - Three city of Edina commissioners were confirmed by the EEC at the 11-14-13 EEC meeting, with additional residents confirmed at the Dec. 12, 2013 EEC meeting. The LFWG consists of:

Dianne Plunkett Latham, LFWG Chair - Energy & Environment Commission [REDACTED]

Louise Segreto –Park Board [REDACTED]

Arlene Forrest - Planning Commission - Beekeeping experience [REDACTED]

Virginia Kearney – Edina Resident – Chicken-keeping experience [REDACTED]

Dr. Geoffrey Bodeau – Edina Resident - Beekeeping experience [REDACTED]

Jamie Bodeau –Edina Resident –Beekeeping experience – Son of Dr. Geoffrey Bodeau and EHS senior [REDACTED]

David Chin - Edina Resident - Beekeeping experience [REDACTED]

**LFWG Meetings:** The LFWG meets at City Hall as needed with meetings attended as follows:

Nov. 26, 2013: Present - DP Latham, Louise Segreto, Arlene Forrest, Virginia Kearney, Dr. Geoffrey Bodeau, David Chin. Absent: Jamie Bodeau, Flora Delaney

March 21, 2014: Present - DP Latham, Flora Delaney, Virginia Kearney, Dr. Geoffrey and Jamie Bodeau. Absent - Louise Segreto, David Chin, Arlene Forrest

**EEC Meetings:** The LFWG report and City Code amendments for chicken and beekeeping were reviewed by the EEC at its 4-10-14 meeting (present DP Latham, David Chen, Virginia Kearney) and 5-8-14 meeting (present DP Latham, Dr. Geoffrey Bodeau). The EEC approved the LFWG report and ordinance amendments for a recommendation to the 6-3-14 EEC/City Council Work Session. Council’s 6-3-14 Work Session recommendations were incorporated into the report and code recommendations by the LFWG and unanimously approved at the 6-12-14 EEC meeting (present DP Latham, Dr. Geoffrey Bodeau, Jamie Bodeau) for forwarding to Council with a recommendation to implement the code amendments. The amendments were returned to the EEC for consideration at its 10-9-14 meeting to make additional changes recommended by the City Attorney as well as LFWG members at which time the LFWG’s revised proposal was unanimously approved. Recommendations of the 11-12-14 Planning Commission meeting were considered by the EEC at its 11-13-14 meeting with the EEC’s conclusions set forth below.

**City Council Meetings:** The EEC met with the City Council for a work session on the proposed ordinance on 6-3-14. All Council members were present. LFWG members present included DP Latham, David Chin, Virginia Kearney. Hen

Shirley demonstrated what excellent and quiet companion animals hens are. Other EEC members present included Commissioners Herr, Sierks, Gubrud, Howard, Glahn and Zarrin. A first reading and an optional second reading will be held by the City Council.

**Beekeeping Background** - Minnesota is among the top five states for honey production and agricultural by-products associated with beekeeping. Domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain. Gentle strains of honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed. Bees are a vital part of our food system by pollinating flowers. The number of bees and other pollinators such as butterflies and moths have declined dramatically due to the overuse of pesticides as well as to diseases, parasites and loss of habitat. Residential beekeeping can help stabilize both native and honeybee populations by educating residents to:

- 1) Plant ornamental plants useful to pollinators such as native plants and minimize those without food for pollinators such as daisy, day lily, marigolds, petunia, tulip, etc.
- 2) Reduce pesticide use.

**Objective** – The objective of the LFWG is to propose to the EEC, code revisions and accompanying policy as well as educational programs to enable Edina to obtain credit for the GSC Local Food best practice by making it possible for residents to keep honeybees and female chickens in Edina and thus obtain their accompanying environmental benefits. Another objective of the honeybee and fowl ordinance amendments is to provide an apicultural framework to enable hobbyists to safely and successfully pursue these pleasurable and environmentally, economically, culturally and agriculturally critical activities in urban areas.

The proposed ordinance amendments are designed to result in a minimum of staff oversight time. A simple beekeeping registration process is all that is required. Although renewal is required, the registration is effective unless the apiary becomes a nuisance due to inadequate management or unless a neighbor within 200 ft of the lot line of an apiary site appeals the registration due to documented medical reasons.

No registration is required for keeping up to 4 hen (female) chickens. Where other city, county or state regulations apply, they will be utilized and not repeated as part of Edina’s enabling ordinance amendments. This includes nuisance, noise, sanitation, animal cruelty, accessory building regulations, customary home occupations and animal enclosure regulations among others.

**Beekeeping Benefits** – Honeybees are efficient pollinators of garden flowers and eatable fruits and vegetables, as well as being a source of honey. Honeybee Colony Collapse Disorder (CCD) threatens global food production. See <http://www.ars.usda.gov/News/docs.htm?docid=15572#history>. More than one-third of the world’s crop species depend on bee pollination. By allowing beekeeping, we can impact the pesticide and herbicide usage of residents and landscape companies by beekeepers educating their neighbors. By creating an environment with minimal pesticides, which is safe for honeybees, we are creating an environment that is safe for all residents and for wildlife.

**Potential Beekeeping Liability** – There are very few hazards associated with honey beekeeping. The majority of people who fear honeybees do so out of ignorance. In 2000, the most recent year for which data has been reported to the World Health Organization, 54 people were reported to have died in the USA due to encounters with any type of stinging insect (wasps, bees, hornets, yellow jackets, fire ants, brown recluse spiders, etc). None of the deaths can be specifically attributed to honeybees. Honeybees are bred for their gentle nature and rarely sting. If a resident has been stung by a bee, it is more likely a Yellow Jacket. Honeybees are a different type of stinging insect than wasps or hornets. They are flower feeders with no interest in human food or drink. The only food they desire is nectar (carbohydrates) and pollen (protein). They have been bred for hundreds of years to be docile/non-aggressive. Honeybees typically do not sting unless their apiary is threatened (shaken or knocked over), or you threaten the individual bee (swat or otherwise attempt to harm it).

*Common Law Negligence* - A landowner has an obligation to make reasonable use of his or her property so that no unreasonable harm is caused to others in the vicinity. This “reasonable use” rule is followed in Minnesota (Depue v. Flateau, 100 Minn. 299, 303, 111 N.W. 1, 2 (1907)). This cuts both ways with respect to a beekeeper’s honeybees stinging a neighbor, or a neighbor’s pesticide killing a beekeeper’s honeybees. As a practical matter, causation is not easy to prove in these cases. It would be difficult to prove who was the owner of the stinging bee, or even what kind of bee caused the sting unless you obtain DNA from the bee’s stinger and match it to the colony’s matrilineal DNA.

Negligence means the failure to exercise the care of an ordinarily prudent person. Since bees sting by nature, it is necessary for any plaintiff to show that the owner of honeybees is negligent in his care of the bees. In any case of injury by honeybees, the plaintiff will have to show that the bees were vicious, provide proof they were vicious, and inform the owner of the bees that they were vicious. If the owner of the honeybees failed to correct the problem and the bees continued to be vicious, a basis may exist for a claim of negligence.

Given that honeybees are not considered inherently dangerous (or vicious), a City’s sovereign immunity would protect it, absent negligence, for honeybee apiaries located on city property. The Edina City Attorney can be consulted for verification.

Under MN Stat. Article 13, Section 11, in some circumstances it is possible for an apiary owner to be compensated for their honeybees if killed by pesticide. See <https://www.revisor.mn.gov/laws/?id=312&year=2014&type=0#laws.13.8.0>

**Speak Up Edina** – During the month of April 2014, 32 residents registered their opinions on permitting beekeeping in Edina and none opposed beekeeping in Edina.

**Other Cities Permitting Beekeeping** - For a complete list of the at least eleven metro cities permitting beekeeping as of 8-1-13, see list compiled by the University of Minnesota Bee Lab at <http://www.beelab.umn.edu/Resources/Ordinancesregardingbees/index.htm>

Five cities bordering Edina allow beekeeping. This includes the following. Given that honeybees forage over at least two square miles, Edina already has many foraging honeybees.

*Bloomington* – Sect. 12.116(a)(2) – One acre per apiary not exceeding 24 cubic ft in apiary size. Not allowed on properties having 3 or more dwelling units. Owner must live in the dwelling on the property.

*Eden Prairie* - Ordinance passed 1-21-14, upon which Edina’s proposed beekeeping ordinance is based. Registration is required with the Eden Prairie Police Department. As of 5-8-14 Eden Prairie had 16 beekeeping registrations. 191 neighbor notification letters were sent (average 12 per registration) and 8 inquiries (questions, concerns) were received. Appeals must be made within 30 days of an approved registration. No beekeeping registration appeals were filed. Jim Schedin, the Eden Prairie staff person responsible for enforcing the Eden Prairie beekeeping ordinance e-mailed the Edina City Council on 9-19-14 that “Since the eleven apiaries have begun operations I have received zero complaints and zero inquiries from neighbors. The apiaries have become a non-issue in terms of complaints and in terms of staff time dedicated to registrations and inspections.” See attached complete report.

*Hopkins* – City Code does not address honeybees, so they are allowed.

*Minneapolis* - Section 74.80 – Must get a permit from Mpls Animal Care and Control. Requires approval of 80% of neighbors within 100ft (repealing this provision is under consideration); this provision likely cannot be implemented in a Plan B City such as Edina, as it can in charter cities such as Minneapolis. The opinion of Edina City Attorney is needed if such a provision is proposed.

*Richfield* - Section 905.41 - Bees are considered non-domestic animals. All non-domestic animals are prohibited.

*St Louis Park* – Not addressed in city ordinance, so they are allowed as long as they are not a nuisance

## **Proposed Edina Beekeeping Registration Process**

*Other Cities* - The Edina beekeeping ordinance is modeled upon the Eden Prairie beekeeping ordinance, which is based on the Minnesota Hobby Beekeeper Association's model ordinance. Hopkins and St. Louis Park have no registration, licensing or permitting requirements. A simple registration like Eden Prairie requires is all that is recommended by the LFWG/EEC given that Edina is nearly (with the exception of Richfield) completely surrounded by cities allowing honey beekeeping. Honeybees forage in an area of at least two square miles such that Edina already has honeybees in the city. Nationwide, most cities that allow beekeeping are beginning to loosen their beekeeping requirements after encountering very few (if any) problems. Honeybee colonies are kept on in the Minneapolis City Hall rain garden, the roof of the Paris Opera House, and are soon to be kept on the roof of the Weisman Art Museum, which will partner with the U. of MN Bee Squad. Boston hotels have rooftop apiaries such as the InterContinental Boston, the Seaport Hotel, the Four Seasons and the Fairmont Copley Plaza. Honeybees are so commoditized that 10,000 in a package are sent through the US mail to those starting new colonies.

*Registration* - A simple apiary registration serves to make the City aware of where beekeeping activities are being conducted. This is necessary so that if Police Officers are responding to a night time call, they will be alerted to be careful when walking through the backyard of a beekeeper such that they don't bump an apiary or stand directly in front of its fly zone during hours of honeybee activity. A \$20 initial registration fee is proposed because there is cost and staff time involved in sending out neighbor notification letters.

*Neighbor Notification* - As a courtesy, property owners within 200 feet of any lot line of the apiary site will receive written notification of their neighbor's intent to establish an apiary. An Edina resident seeking to register an apiary would not need a neighbor's signature of approval, which could be denied by the neighbor for no more reason other than for spite.

*Renewal* - A registration renewal is proposed because beekeepers may forget to notify the City of their discontinuance of the hobby. Police officers need to be aware of active apiary locations for the officer's safety in such circumstances as running at high speed in the dark in pursuit of a suspect or stray animal. No licensing fee is proposed to be associated with the annual beekeeping registration renewal because subsequent neighbor notification letters will not be sent, thus very little staff time will be required.

*Apiary Inspection and Registration Approval* - The City must wait a minimum of two weeks after receiving the apiary registration application before approving or denying the registration. During that time, as in Eden Prairie, the designated official – very likely the Animal Control Officer in the case of Edina - will make at least one apiary site inspection to confirm that the apiary complies with all city code in terms of beekeeper's Edina residency, setback, number of colonies, water source, etc. Only upon a finding of compliance with all applicable city ordinances will the registration be granted. During that time, neighbors are free to comment or voice concerns to the designated City official.

*Impact of neighbor Comments Prior to Registration Approval* – Neighbor comments prior to approval of the apiary registration will not impact whether or not the registration is approved. Only the applicant's compliance with code will determine registration approval. In the experience of Eden Prairie, once the neighbors receive the courtesy registration notification, if they have objections they will usually contact the City quickly. Eden Prairie has found that this serves as an opportunity to educate the neighbors and alleviate fears/concerns *before* they feel the need to file an appeal. This window of time serves to filter out people who may file a written appeal out of ignorance or an unfounded fear. Jim Schedin, Eden Prairie's official responsible for apiary registration stated on 5-6-14 that “ It [notification and appeal process] has worked amazingly well - I have had a handful of people contact me and have been able to alleviate their concerns. And although two neighbors threatened to file written appeals even after speaking with me, none of them actually ever followed through with their threat.” Limiting initial registration approval to code compliance reduces staff time.

*Appeal* – Any resident living within 200 ft of a lot line of an apiary site may file a written appeal of the approval of the initial apiary registration to the City Manager, or their designee, at any time after the approval of the beekeeping registration. By not limiting the window of time for the appeal period, a new neighbor, who was not living within 200 ft of the apiary site lot line at the time of the apiary registration, may appeal. If an appeal is filed, the beekeeper will be notified in writing by the City Manager or their designee. The City Manager, or designee, must then conduct a hearing with the apiary registrant and the person appealing. During the hearing, the City Manager, or designee, can mediate between the parties by suggesting such strategies as moving the apiary, constructing a flyway barrier (see definition below), or other management techniques in addition to approving or denying the appeal. After hearing both sides, the City Manager, or designee, renders a decision, which cannot be challenged.

*A flyway barrier* is at least six (6) feet in height and may consist of:

1. A wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the apiary.
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 within two (2) years of installation.
3. The flyway barrier must continue parallel to the lot line of the apiary site for a mutually agreeable distance.
4. A flyway barrier is not required if the hive is located on a rooftop.

*Revocation Policy* - If a resident appeals the approval of a beekeeping registration, an apiary registration can be revoked under the following circumstances. Stating that "I'm allergic to bee stings" would not be persuasive to cause a revocation because there are many species of bees (Minnesota has over 320 species of native bees) and individuals are not allergic to them all, but only to specific species of bees. A note from an emergency room or other physician stating that you, or a family member, have suffered past anaphylaxis due to honeybee stings, would be sufficient to revoke the registration. The registration could also be revoked if the apiary can be shown to have become a habitual nuisance due to improper maintenance, despite the City having asked the bee keeper in writing to rectify conditions such as consistent water source, etc.

**Number of Apiaries** - Limitation on the number of apiaries is based upon lot size, starting with two apiaries for lots less than one-half acre and increasing in number up to twelve for those properties that are adjacent to neighboring undeveloped land such as a park natural area, for example. The colony limitation numbers are based upon those found in the Eden Prairie beekeeping ordinance.

**Apiary Set Back** - The LFWG/EEC's initial proposal was for a 10 ft set back from any lot line plus a flyway barrier when a hive is within 25 ft of a lot line. During the June 3, 2014 Work Session, Council expressed interest in a 20 ft lot line setback without a flyway barrier, which Council found visually unattractive. The 20 ft setback was based on a concern that a projectile thrown over the lot line may hit an apiary, which may incite the honeybees within. Since the June 3 work session, further information as follows has been gathered to demonstrate that a 20 ft lot line setback is unnecessary and would serve only to restrict residents on small lots from having an apiary. The EEC found a 10 ft lot line set back adequate as in the Eden Prairie ordinance, with the exception that there will be a 20 ft setback for an apiary from any dwelling unit on adjacent property in any zoning district, as well as a 20 ft setback from any public sidewalk.

- a. Eden Prairie has now had a full summer of experience in 2014 with beekeeping using a 10 ft set back with a flyway barrier for apiaries within 25 ft of a lot line. Eden Prairie staff member Jim Schedin's experience is related in his e-mail to the Edina City Council dated 9-19-14: "My inspections involve me getting within a few feet of each apiary while wearing no protective gear (it's not necessary, as I am not threatening the hive by removing the cover or frames). In total, this summer I have stood within 2-3 feet of over one million honeybees, without any special protective gear and without incident.... I believe that a five foot setback is adequate, but I understand that because of people's misconceptions about honeybees that a ten foot setback might help alleviate some concerns. I am opposed

to a twenty foot setback simply because it would effectively prevent most people living on smaller parcels from keeping honeybees. At the end of the day, having a setback requirement of 5', 10' or even 20' feet will not make any difference to the honeybees – if a nearby neighbor has clover or flowers in their yard, the bees will go there.”

- b. LFWG member beekeepers indicate that throwing an object at an apiary such as a rock, tennis ball, golf ball, etc. does not disturb the bees within the apiary, which are bred for gentleness. Honeybees do not take notice of such projectiles, absent one actually squishing a honeybee. See a demonstration of beekeepers Dr. Geoffrey and Jamie Bodeau throwing projectiles at an apiary without the honeybees taking any notice [http://youtu.be/1kIX\\_a0Gk2Y](http://youtu.be/1kIX_a0Gk2Y).
- c. Edina’s Animal Control Officer, Timothy Hunter’s e-mail of 9-22-14 states that “I’m not advocating a specific setback, just that there is one because of human activity, not [because of] bee activity. If you pin me down to a distance, I like 10’ over 5’ and am somewhat ambivalent to 20’.”
- d. Edina City code Sec. 8-211 “Animal Enclosure”... “Shall not exceed 300 square feet in area and shall be placed only in the rear yard and no closer than 20 feet to any property line” would not apply to a honeybee colony because the honeybees are not enclosed as are the dogs in a dog pen as contemplated by the Animal Enclosure ordinance. Honeybees are free to forage throughout the city and are not enclosed. Furthermore, 300 square feet (10 ft x 30 ft for example), far exceeds the size of a typical honeybee colony footprint, which is roughly 2 ft by 2 ft or 4 square feet.

**Hen House/Chicken Run Setback** – Is not addressed in the proposed code amendments and therefore defaults to Sec. 8-211 – “Animal Enclosure”... “Shall not exceed 300 square feet in area and shall be placed only in the rear yard and no closer than 20 feet to any property line.”

**Home Occupation** – Beekeeping and chicken-keeping are not listed as a permissible home occupation under the Home Occupation ordinance, Section 36-1254. Thus, eggs and honey could not be sold directly from home, but could be sold at a Farmer’s Market, etc., if desired. A typical honeybee colony produces about 5 gallons of surplus honey. With one or more colonies, it is beneficial to be able to sell the honey given that US demand for honey is about double the supply of US produced honey.

**Chicken-Keeping Benefits** - The benefit of a limited number of hens (a maximum of 4 female *Gallus gallus domesticus*) is that they are interesting companion animals, which can be used as part of an Integrated Pest Management (IPM) gardening program given their appetite for insects. They can also be used as a source of fresh eggs and fertilizer. In order to foster honeybee-keeping as well as native pollinators, residents must greatly reduce using pesticides. Chickens are a nonchemical, environmentally sound method of reducing garden pests such as slugs or Japanese beetles. Chickens lay eggs for 4 – 5 years, but live for 10 – 12 years, thus must be viewed as companion animals. Only hens, not roosters, will be permitted given that hens are nearly silent. Only roosters crow. House Wrens, Mourning Doves and many other wild birds make more sound than do hens.

**Chicken-Keeping Registration Process** – None is proposed.

**Other Cities Permitting Hen-Keeping** - At least 13 metro cities allow the keeping of hen chickens, including three cities on Edina’s boundary. These metro cities include Bloomington, Burnsville, Centerville, Circle Pines, Falcon Heights, Golden Valley, Minneapolis, Minnetonka, New Brighton, Robbinsdale, St. Louis Park, St. Paul, and Shoreview. Other metro cities allowing chickens do not allow roosters. At least three metro cities prohibit keeping chickens - Eden Prairie, Wayzata and White Bear Lake.

**Number of Hens** – Four was chosen because, as a flock animal, two can keep each other company. Since hens lay eggs for only 4 or 5 years, if the hens are desired for eggs, one needs to get two younger hens after the first two stop laying after 4 or 5 years, resulting in a total of four. Since chickens live about 10 years, the first two will probably die by the time the second two stop laying and then two younger hens can be obtained while maintaining a total of four hens. Cities that have a specified a ceiling on the number of hens in residential settings generally allow a maximum of four. This includes Bloomington, Centerville and Shoreview. Golden Valley allows up to 3 laying hens. Robbinsdale requires permission for

more than two chickens. New Brighton has no restrictions on chickens but has an Urban Farm Task Force report recommending a “fowl tried matrix” to set a limit on poultry based on lot size up to a maximum of 24 birds.

**11-12-14 Planning Commission Informational Meeting** – On 9-23-14 Ross Bintner indicated that City Attorney, Roger Knudson, related that because the proposed ordinance amended the Section 36 Zoning code, that the proposed ordinance must be referred to the Planning Commission for a public hearing before it goes to the City council. Cary Teague, the Planning Commission Staff Advisor indicated that the amendments must have an informational hearing at the Planning Commission prior to a Planning Commission public hearing. EEC’s Commissioner Latham then presented the proposal at the 11-12-14 Planning Commission’s informational hearing. Also present were EEC’s staff liaison Ross Bintner as well as the City of Eden Prairie’s staff member, Jim Schedin, who is responsible for Eden Prairie’s beekeeping ordinance enforcement. Mr Schedin is also an Edina resident. At the 11-12-14 Planning Commission meeting, Commissioners Latham and Forrest recommended removing the Section 36 Zoning amendments because they were either unnecessary or because they were inconsistent with Council’s desires as expressed at the 6-3-14 Work Session. Pending EEC approval, if no further Section 36 amendments remained, Cary Teague indicated that a Planning Commission public hearing was no longer necessary given that the Planning Commission no longer had jurisdiction. The City of Edina Attorney concurred with this assessment. At the 11-13-14 meeting, EEC unanimously agreed with removing the Section 36 Zoning amendments from the proposed ordinance.

At the 11-12-14 Planning Commission informational meeting, the following issues were identified and unanimously responded to as noted below during the 11-13-14 EEC meeting.

The Planning Commissioners did not express any problem with the 10 ft honeybee colony lot line setback, but Commissioner Hobbs questioned whether the required honeybee source of water should have the same setback. Eden Prairie’s Jim Schedin indicated that Eden Prairie’s 10 ft lot line honeybee colony setback does not have any accompanying setback requirement for the required honeybee water source. EEC noted that a water source setback would sometimes be infeasible, given the wide range of water sources possible – such as a pre-existing water feature like a pond, which cannot be moved to conform. EEC determined that a water source setback was unnecessary since honeybees often obtain water from dew, rain water, sprinkler systems, etc., such that few problems, if any, are anticipated from not having a water source setback.

Commissioner Platteter recommended requiring a neighborhood meeting before beekeeping be allowed. The EEC found this unnecessary given that all neighbors within 200 ft of the lot line would be notified, and if they desired, neighbors could meet among themselves.

Some concerns were expressed about honey bee stings. Jim Schedin indicated that Eden Prairie had no problems related to honeybee stings during their first summer of operation. EEC found the honeybee sting concern unfounded. Honeybees can sting but once, after which they lose their stinger and die. As a consequence, they rarely sting unless physically assaulted. If a resident has been stung by a bee, it is more likely a hornet or wasp, which, unlike honeybees, are aggressive bees. An individual can suffer anaphylaxis from a wide variety of substances ranging from peanuts to penicillin. Given how rare such occurrences are, a city cannot be expected to ban all conditions that may cause anaphylaxis.

Commissioner Platteter asked if the City would be liable for granting a license for beekeeping, if another became injured thereby from a honeybee sting. The EEC found that given that the City grants dog licenses and is not held liable for dog bites from City licensed dogs, neither would a City be liable for City licensed honeybees.

Commissioner Platteter expressed concerns about chickens attracting coyotes. EEC found this concern unfounded given that coyotes are already in Edina. Continuing a ban on chickens would not eliminate or reduce the coyote population. Coyotes are attracted to Edina’s abundant wildlife (fox, rabbits, squirrels, chipmunks, raccoons, mice, voles, shrews,

fawn, etc) as well as residents' small dogs and cats. A hen keeper could as easily argue that a neighbor's small dogs and cats are attracting the coyotes to their hens.

Commissioner Platteter suggested a prohibition on slaughtering chickens. Jim Schedin indicated that Eden Prairie does not have such a prohibition. EEC determined that slaughtering chickens should be allowed given that only four hens are permissible; it is the most humane way of disposing of a hen that no longer lays eggs or which becomes injured. It is also preferable to adding such hens to animal shelters, which would then have to consider euthanizing them. Most likely, hens would become family pets and slaughtering is rarely expected to occur in any event.

Commissioner Carr asked if there was a limit on the number of accessory structures a resident could have. Cary Teague indicated that there was none. Planning made no recommendation for such a limitation, presumably because there already is a limitation on the number of honeybee colonies a resident can have. Furthermore, a resident is unlikely to desire more than one hen house for only four hens.

### **LFWG Educational Programs for Keeping Hens and Bees**

To foster residential chicken and beekeeping, the following educational programs have been completed.

1. **Friday, March 21, 2014** – Free movie “More than Honey” – 7:00 pm Council Chambers sponsored by the Edina Park and Recreation Department and the Energy and Environment Commission’s Local Food Working Group and EEC’s Education and Outreach Working Group. Approximately 110 members of the public attended and offered many supportive comments on chicken and beekeeping. After the movie, LFWG members Dianne Plunkett Latham, Flora Delaney, Virginia Kearney and Dr. Geoffrey Bodeau led a panel discussion while Jamie Bodeau passed out samples of honey produced by their honeybee colonies in Taylors Falls.
2. **Saturday, April 19, 2014** - “Planting for Pollinators” - 10 a.m. in the Terrace Room of Arneson Acres Park, 4711 W. 70th St. Elaine Evans, a Ph.D. candidate in the University of Minnesota Bee Lab, and the University’s foremost expert on planting for pollinators was the presenter. Sixteen members of the public heard the free program about what kinds of flowers residents can plant to attract pollinators as well as common non-native plants to avoid because they offer no food for pollinations. She explained how to design your yard to attract native bees by providing nesting areas for them.
3. **Saturday, May 24, 2014** - “Integrated Pest Management to Preserve Pollinators” - 10 a.m. in the Terrace Room of Arneson Acres Park, 4711 W. 70th St. The speaker was David Tobelmann, a Hennepin County Master Gardener, who explained what kinds of chemicals are implicated in Colony Collapse Disorder (CCD) and provided alternatives for managing insect pests in your yard. There was no charge to attend. Five attended this program given over the Memorial Day weekend. Hen Nugget appeared and demonstrated what affectionate and quiet companion animals that hens are.

After passage of the proposed beekeeping and chicken-keeping ordinances, the following educational programs are proposed to be offered:

1. “Beekeeping Basics.” Date TBA. Arneson Terrace Rm on a Saturday morning. Consider someone from Dr. Marla Spivak’s Bee Squad program for a speaker. See <http://beelab.umn.edu/BeeSquad/>. Consider also a speaker from the Minn. Hobby Beekeeper’s Association at [www.MNBeeKeepers.com](http://www.MNBeeKeepers.com). In the alternative, or in addition, the LFWG can advertise an Edina Community Education beekeeping class.
2. Consider purchasing an apiary from the U. of MN Bee Squad, which will deliver it, set it up and tend it for the City of Edina at a cost of approximately \$3,000 for two years. A generous resident has pledged \$2,000 towards this. The U. of MN Bee Squad would then use the apiary for research. See [http://www.beelab.umn.edu/BeeSquad/bee\\_supporters/index.htm](http://www.beelab.umn.edu/BeeSquad/bee_supporters/index.htm) for more information on the Bee Squad Hive to Bottle program. As an alternative to continuing to annually fund a U. of MN Hive to Bottle, find an Edina resident who would be trained by the U. of MN Bee Squad to assume maintenance of the apiary after a few years.

For more information and a listing of Edina locations that were considered, see LFWG/EEC document on Considerations for a Proposed Honeybee Colony on City Property, which recommended Braemar Park as the most desirable location.

After passage of the chicken-keeping ordinance the following educational program is proposed to be offered:

1. “Keeping Chickens as Companion Animals, as a Component of a residential IPM Program, and as Local Food” – Date TBA. Virginia Kearney to find a speaker such as Al Bourgeois, “the Chicken Enthusiast of St. Louis Park” for a free program in the Arneson Terrace Room on a Saturday morning. For a video on how to get started with chickens, see video series at [www.Extension.UMN.Edu/small-farms](http://www.Extension.UMN.Edu/small-farms).

From: [schedvi@hotmail.com](mailto:schedvi@hotmail.com)

To: [mail@edinamn.gov](mailto:mail@edinamn.gov)

Subject: Honeybees

Date: Fri, 19 Sep 2014 11:33:05 -0500

Dear Mayor and Council Members,

I was recently contacted by Dianne Latham of the Edina Energy & Environment Commission about the topic of honeybees and was asked to come and address the Edina City Council on October 7<sup>th</sup>, 2014.

Although I would enjoy addressing the council on the topic of honeybees, I think it's important to send you an email so that I can cover all of my points. I feel that I have a unique perspective to offer for a number of reasons:

- I am a lifelong Edina resident who lives on a relatively small parcel on the northeast side. As a father of a child with life-threatening allergies who must carry an epi-pen, I was a biased, anti-honeybee opponent before being tasked by the Eden Prairie City Council to research honeybees.
- After researching honeybees, I authored the honeybee ordinance that is now in place in the City of Eden Prairie. This is the ordinance that the EEC is now using as a general model.
- Since January of 2014 I have registered sixteen (16) apiaries in the City of Eden Prairie. Of those 16, I have personally inspected eleven (11) operating apiaries. My inspections involve me getting within a few feet of each apiary while wearing no protective gear (it's not necessary, as I am not threatening the hive by removing the cover or frames). In total, this summer I have stood within 2-3 feet of over one million honeybees, without any special protective gear and without incident.
- Since the eleven apiaries have begun operations I have received zero complaints and zero inquiries from neighbors. The apiaries have become a non-issue in terms of complaints and in terms of staff time dedicated to registrations and inspections.

One thing that I would like to address is the topic of setback requirements. I believe that a five foot setback is adequate, but I understand that because of people's misconceptions about honeybees that a ten foot setback might help alleviate some concerns.

I am opposed to a twenty foot setback simply because it would effectively prevent most people living on smaller parcels (such as mine) from keeping honeybees. At the end of the day, having a setback requirement of 5', 10' or even 20' feet will not make any difference to the honeybees – if a nearby neighbor has clover or flowers in their yard, the bees will go there. In fact, if any of you have clover or flowers in your yard right now, you are most likely visited by hundreds of honeybees and other native pollinators every day.

By having stricter setback requirements, the City will in effect be appeasing the uniformed (of which I used to be a member) and will be limiting the number of residents that can enjoy the hobby. The City will not, however, be limiting the number of honeybees that will come to residents yards (they travel several miles).

As I have said, I am the parent of a child with life-threatening allergies. That burden comes with never-ending worries about exposure to certain toxins. But having conducted extensive research on honeybees, having registered and personally inspected apiaries and having conducted in-depth interviews with beekeepers (while standing next to active hives), I would have no objections with any of my neighbors having hives, nor would it matter to me if the setback requirement was as little as five feet. Honeybees are simply that much of a non-issue.

Thank you for your consideration,

Jim Schedin  
6041 Wooddale Ave  
Edina, MN 55424

## I. REPORTS/RECOMMENDATIONS

### A. Honey Bee Keeping and Fowl Ordinance

#### Presentation

Planner Teague explained that the Commission is being asked to consider an ordinance regarding honey beekeeping and fowl as recommended by the Edina Energy and Environment Commission (EEC). The Ordinance proposes to allow a chicken coop, chicken run, and honeybee apiary in the R-I zoning district. Teague noted that at this time the Zoning Ordinance does not address these uses.

Planner Teague introduced Diane Plunkett Latham from the EEC to speak further on the issue.

Ms. Plunkett Latham introduced Ross Bintner, Edina staff and Jim Schedin, Eden Prairie resident knowledgeable on honeybees. Latham delivered a power point presentation highlighting aspects of beekeeping and fowl.

Plunkett-Latham referred to the proposed ordinance amendments and said in speaking with Commissioner Forrest it was found that the zoning ordinance doesn't specifically address dog houses/runs so the thought was that chicken coops/runs and honeybee apiaries would be similarly treated. Teague agreed, adding he is waiting for word from the City Attorney, Roger Knutson on what is actually required at the Commission level. If chapter 36 remains silent on any aspects of beekeeping or chickens (setbacks from structures, waterbody) a public hearing before the Council; not Commission would be required.

Chair Staunton read a letter from Nancy Scherer, Edina resident and Planning Commissioner who is allergic to bees. Scherer asked the Commission to keep in mind when listening to the presentation there are residents that are allergic to bee stings.

A discussion ensued on the different species of bees and the rarity of a sting from a honeybee.

Commissioners indicated regardless if Chapter 36 is silent on beekeeping and fowl they have reservations, and concerns that need to be addressed. Commissioners stated a public hearing is needed, at minimum, at the Council level. Commissioners reiterated their opinion that the proposed ordinances need a public forum.

Commissioners expressed the following:

- With regard to honeybees would signs be posted on the property where an apiary is located – Ms. Latham responded that other cities do not require the posting of signs; however, the police departments need to know the location of any/all apiaries.
- If a resident chooses to locate an apiary or chicken coop/run on their property the City should require neighborhood notification ( 200 feet) and a neighborhood meeting should be held.

- What about slaughter. There needs to be some provisions that address the potential for slaughtering chickens.
- Develop an appeal process if an immediate neighbor (within 200-feet) doesn't want chicken or beekeeping close to them. This could be significant if a neighbor was allergic to beestings.

Chair Staunton thanked Diane Plunket-Latham for her presentation, adding the concerns of the Commissioners were expressed, adding a public hearing process should be initiated if this ordinance is adopted.

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