

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VIII. A.

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

Action

Discussion

Date: March 17, 2015

Information

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

Action Requested:

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

Information / Background:

A first reading of this ordinance was approved at the January 20, 2015 Council Meeting pertaining to bees, with chicken keeping provision sent back to the EEC for further work.

Attachments:

Ordinance No. 2015-02

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

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/her 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 two-hundred (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. Unused beekeeping equipment must be protected to prevent 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-swarmling 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/her 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/her 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:

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 8-212 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.
- (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 4. Section 2-724 Schedule A of the Edina City Code is amended to add the following registration fee.

Chapter 8

8-311(d) Honeybee Apiary \$20 Registration fee

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

First Reading: January 20, 2015

Second Reading: March 17, 2015

Published:

Attest

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on
Send two affidavits of publication
Bill to Edina City Clerk