

ORDINANCE NO. 558
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF JEFFERSON, IOWA, 2008, BY ADDING A NEW CHAPTER
PROVIDING FOR REGULATION OF BEES

Be it enacted by the City Council of Jefferson, Iowa:

SECTION 1. Chapter Added. The Code of Ordinances of the City of Jefferson, Iowa, 2008, is amended by adding new Chapter 58, entitled Bees, as follows:

CHAPTER 58

BEEES

58.01 Purpose

58.02 Definitions

58.03 Beekeeping Prohibited Without License

58.04 Beekeeping Requirements

58.05 Notice to Adjoining Owners

58.06 Inspection

58.07 Nuisance

58.01 PURPOSE. The purpose of this chapter is to establish requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of honeybees in populated areas, and to protect the health, safety and welfare of citizens.

58.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Apiary" means a place where one or more bee colonies are kept.
2. "Bee" means any stage of the common domestic honeybee belonging to the *apis mellifera* species.
3. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
4. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
5. "Colony" means a queen bee and more than one worker bee located on beeswax combs and enclosed in a container.
6. "Hive" shall mean a structure intended for the housing of a bee colony.

7. "Tract" shall mean one or more contiguous lots or parcels of land under common ownership.

58.03 BEEKEEPING PROHIBITED WITHOUT LICENSE. It is unlawful for any person to own, keep, or maintain bees of any genus or species within the City unless done in compliance with this chapter. Any person desiring to keep honeybees within the City must first obtain a beekeeping license from the City Clerk. An application for a beekeeping license shall be submitted on a form provided by the City and shall show that (i) the applicant has received the education or training required by this chapter, (ii) the applicant has general liability insurance of not less than \$300,000 to cover claims for property damage or injury caused by beekeeping, and (iii) the applicant is able to comply with all the other requirements of this chapter. The application shall include the applicant's agreement to defend, indemnify and hold the City harmless from any claims that may arise out of the applicant's keeping of bees. A beekeeping license may be issued only for the keeping of common domestic honeybees belonging to the *apis mellifera* species. A beekeeping license may be issued for not more than one calendar year (January through December) and shall be in effect from the time issued until December 31 of the year for which it is issued. Each application shall be accompanied by a beekeeping license application fee as established by resolution of the City Council.

58.04 BEEKEEPING REQUIREMENTS. All persons keeping bees shall comply with the following requirements:

1. Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition.
2. Location. Hives shall not be located on any front yard or within any front, side or rear setback area, as defined for zoning purposes.
3. Multiple Family Dwellings. Hives shall not be located on any tract or lot on which one or more multiple family dwellings are located.
4. Protection Fencing and Warning Signs. All hives shall be fully enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive and the beekeeper's name and phone number. Fencing shall be not less than four feet in height and consist of a solid wall, fence or a combination thereof.
5. Flight Path Barrier Fence. A flight path barrier consisting of a fence, structure or planting not less than six feet in height shall be located not less than six feet in front of each hive on the side where bees normally exit and enter.
6. Water. Each beekeeper shall ensure that a convenient source of water is available to the bees on the tract where the bees are located at all times

during the year so that bees will not congregate at swimming pools, bibcocks and faucets, pet watering bowls, bird baths or other sources of water where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.

7. General Maintenance. Each beekeeper shall ensure that no bee comb or other materials that might encourage theft or mischief are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8. Queens. All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without provocation, or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

9. Colony Densities. No person shall keep more than (a) two colonies on a tract of land with an area less than one-fourth acre, (b) four colonies on a tract of land with an area less than one-half acre, (c) six colonies on a tract of land with an area less than one acre, and there shall be no more than eight colonies on any tract of land regardless of tract size. For each two colonies authorized there may be maintained one nucleus colony in a hive structure not exceeding 9 5/8 inch depth 10-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days. Notwithstanding any portion of this chapter to the contrary, no beekeeper may own or control more than 18 active colonies inside the City. A beekeeper may exceed the foregoing limits for a limited period of 30 continuous days once each year for the purpose of splitting colonies.

58.05 NOTICE TO ADJOINING OWNERS. Immediately after obtaining a beekeeping license under this Chapter and annually thereafter each beekeeper shall give written notice to owners and occupants of adjoining properties that bees will be or are present on the beekeeper's property. The notice shall include the name, current address, and a telephone number where the beekeeper can be readily reached.

58.06 INSPECTION. The Building and Zoning Official, or his designee, may enter upon any property where bees are kept at all reasonable times to determine if the provisions of this chapter are being complied with.

58.07 NUISANCE. Any violation of this chapter is declared to be a nuisance within the meaning of Section 657.1 of the Code of Iowa and chapter 50 of this Code of Ordinances.

SECTION 2. The Code of Ordinances of the City of Jefferson, Iowa, 2008, is amended by repealing Section 55.10, which makes it unlawful to keep or maintain an apiary or honeybees within the City.

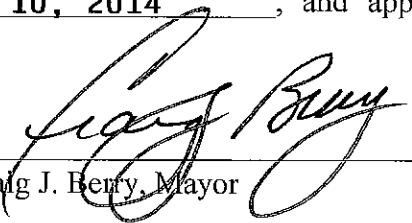
SECTION 3. Subsection 8 of Section 165.07 of the Code of Ordinances of the City of Jefferson, Iowa, 2008, is repealed and the following adopted in lieu thereof:

8. Agriculture - The production, keeping or maintenance, for sale, lease, or personal use, of plants useful to humans, including but not limited to: forages and sod crops; grains and seed crops; excluding beef cattle, sheep, swine, horses, mules, goats, poultry or other dairy products, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals, including fur animals. Trees and forest products, fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program are permitted.

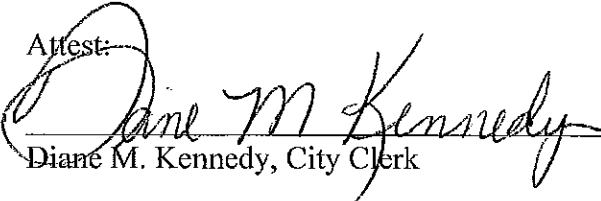
SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Finally passed by the Council on June 10, 2014, and approved on June 10, 2014.

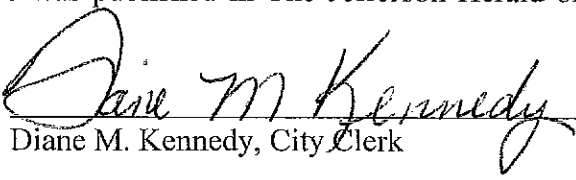


Craig J. Berry, Mayor

Attest:


Diane M. Kennedy, City Clerk

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on June 19, 2014.



Diane M. Kennedy, City Clerk