

**ORDINANCE NO. 2090**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 14, ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY ADOPTING A NEW ARTICLE IV, BEES, FOR THE PURPOSE OF REGULATING THE KEEPING OF BEES AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Chapter 14, Animals, of the Code of Ordinances of the City of West University Place, Texas is amended by the adoption of a new Article IV, Bees, for the purpose of regulating the keeping of the bees, to read as set out in Appendix A, attached hereto. All other portions of Chapter 14 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

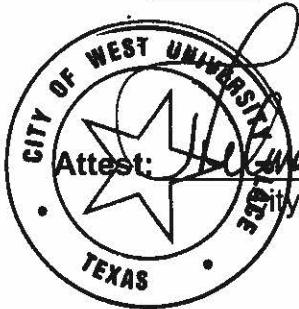
**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the 10<sup>th</sup> day  
of February, 2020.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED,**  
on the 24<sup>th</sup> day of February, 2020.



Attest:

Helen A. Williams  
City Secretary (Seal)

Signed:

Robert D. Wiley  
Mayor

Recommended:

[Signature]  
City Manager

Approved as to legal form:

[Signature]  
City Attorney

**Appendix A**

**ARTICLE IV, Bees.**

**Section 14-100. DEFINITIONS.**

Unless the context requires a different meaning, the following terms, when used in this Article, have the meaning indicated below:

- (a) **APIARY** means a place where bees are kept.
- (b) **BEE** means any stage of the common domestic honey bee, *Apis mellifera* species.
- (c) **HIVE** means a single Langstroth type box or similar structure intended to house bees.
- (d) **PARCEL OF LAND** means a contiguous piece of land under common ownership.

**Section 14-101. APIARY MAINTENANCE.**

- (a) A person shall keep bees in a Langstroth-type box or similar structure with removable frames that is maintained in sound and usable condition.
- (b) A person shall provide a source of water to the bees to prevent the bees from congregating at a water source used by a human, bird, or domestic pet.
- (c) A person shall store or dispose of bee comb or other material removed from a hive in a sealed container, building, or other bee-proof enclosure.

**Section 14-102. HIVE LOCATION.**

A person may not locate a hive within 10 feet of the property line of a parcel of land, as measured from the nearest point of the hive to the property line, nor may a hive be located within a person's front yard or side yard set back.

**Section 14-103. CONSTRUCTION OF FLYWAY BARRIER.**

- (a) A person who keeps a hive within 25 feet of the property line of a parcel of land, as measured from the nearest point of a hive to the property line, shall establish and maintain a flyway barrier parallel to the property line.
- (b) A flyway barrier created under this section must:

- (1) consist of either a solid wall, fence, dense vegetation, or combination of these materials at least 6 feet high; and
- (2) extend at least 10 feet beyond the hive on each end.

#### Section 14-104. HIVE DENSITY.

A person may not keep more than two hives on a parcel of land.

#### Section 14-105. REGISTRATION WITH THE CITY; CONSENT OF NEIGHBOR.

Any person who keeps a hive within the City must register with the City providing the hive location and the owner's name and contact information. Compliance with the 10 foot distance requirement of Section 14-102 is not required where such person obtains the written consent of the current neighbor contiguous to the property line in question and such written consent is on file with the City. For purposes of this Section, if such neighbor moves, current means that a new written consent must be obtained from the new occupant of the contiguous property and filed with the City. Further, such consent may be revoked at any time.

#### Section 14-106. INSPECTION OR ENFORCEMENT BY CODE ENFORCEMENT OFFICER.

- (a) The Code Enforcement Officer may inspect an apiary between the hours of 8:00 a.m. and 5:00 p.m. If the owner of the apiary resides on the parcel of land or the owner's name is marked on the hive, the Code Enforcement Officer shall attempt to give the owner notice of inspection.
- (b) The Code Enforcement Officer may investigate a complaint of a violation of this Article.
- (c) For enforcement actions under this Article, the Code Enforcement Officer may presume that the person who owns or has a present right of possession or control of a parcel of land on which a hive is located is the owner of the hive. A person may rebut the presumption of ownership by presenting the Code Enforcement Officer with a written agreement identifying the name, address, and telephone number of the owner of the hive.

#### Section 14-107. DESTRUCTION OF WILD OR ABANDONED BEES.

- (a) The Code Enforcement Officer will order relocation of bees described in Subsection (b)(1)—(3) if the relocation of the bees can be done without threatening human or animal health or interfering with the normal use and enjoyment of public or private property.

- (b) If relocation of bees under Subsection (a) is not possible then, without notice and a hearing, the Code Enforcement Officer may order destruction of: (1) bees not residing in a hive; (2) a swarm of bees; or (3) bees residing in an abandoned standard or man-made hive.

#### Section 14-108. ENFORCEMENT PROCEDURE.

- (a) If the Code Enforcement Officer finds that a person has committed a violation of this Article, the Code Enforcement Officer may: (1) issue an enforcement order including corrective action; (2) order that the person's bees be relocated, destroyed or removed not later than the 20th day after the date of the decision; and (3) prohibit the person from locating a hive on the same parcel of land for a period of two years following the date of the decision.
- (b) The Code Enforcement Officer may issue a warning if the Code Enforcement Officer determines that a person did not intentionally commit a violation and that the person has implemented corrective action sufficient to cure the alleged violation.
- (c) Failure to comply with an enforcement order issued under this Article is a violation of this Code and shall carry a penalty of up to \$500 per day that such violation continues.