

ORDINANCE NO. 1487

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 14 ARTICLE I BY PERMITTING CERTAIN BEEKEEPING ACTIVITIES WITHIN CITY LIMITS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, beekeeping is currently prohibited within the City of Bay City; and

WHEREAS, beekeeping can be a valuable avocation, not only for the participant, but for the surrounding environment; and

WHEREAS, citizens have expressed a desire to permit safe beekeeping within the City; and

WHEREAS, council desires to establish a program allowing for safe beekeeping within the City of Bay City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BAY CITY, TEXAS, THAT:

Section one. Amendment to Municipal Code of Ordinances Chapter 14, Article I. The City of Bay City's Code of Municipal Ordinances, Chapter 14 (entitled "*Animals*"), Article VI (entitled "*In General*"), Section 14-5 (entitled "*Prohibited Animals*") is hereby amended as follows, with deletions denoted by strikethrough:

Sec. 14-5. Prohibited animals.

(a) It shall be unlawful and a public nuisance for any person to place or keep upon any premises situated within the corporate limits of the city:

(1) ~~Any beehive, or any container or receptacle similar to a beehive, designed or used for the swarming or collecting of bees or for collecting the honeycomb or honey of bees; or~~

(2) Swine, except domesticated pot belly pigs; or

(2) any receptacle similar to a pigeon roost designed or used for roosting or collecting pigeons, unless the pigeons are completely penned.

Section two. Amendment to Municipal Code of Ordinances Chapter 14, Article I. The City of Bay City's Code of Municipal Ordinances, Chapter 14 (entitled "*Animals*"), Article VI (entitled "*In General*"), Section 14-1 (entitled "*Definitions*") is hereby amended as follows, with additions denoted by underlining:

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apiary means a place where a bee colony is kept.

Bee means any stage of the common domestic honey bee, *Apis mellifera* species.

Cat means any live or dead animal of the *felis catus* species.

Colony means a hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

Currently vaccinated means vaccinated and satisfying the criteria in V.T.C.A., Health and Safety Code § 826.001 et seq. and the rules of the state board of health.

Dog means any live or dead animal of the *canis familiaris* species.

Domestic animals means all species of animals commonly and universally accepted as being domesticated.

Flyaway barrier means a solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of a bee colony.

Harboring means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of ten days or more.

Hive means a structure intended to house a bee colony.

Menacing fashion means the show by an animal of a disposition, determination or intent to attack or inflict injury or harm to a person.

Owner means any person, firm, corporation, organization or department possessing, harboring, keeping in or having in control or custody of an animal.

Pet animals means dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animals which are sold or retained as household pets. The term "pet animals" does not include skunks, nonhuman primates and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

Running at large means not completely confined within a building, wall or fence of sufficient strength or construction to restrain the animal, or when such animal is neither on a leash nor held in the hands of the owner or keeper or under direct supervision of the owner when not within the limits of the owner's private property. An animal confined within an automobile or other vehicle of its owner shall not be deemed running at large.

Stray animal means any animal for which there is no identifiable owner or harbinger.

Tract means a contiguous parcel of land under common ownership.

Vaccinate means to properly inject with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the state.

Vicious animal means any animal described in section 14-9.

Wild animals means all species of animals which commonly exist in a natural unconfined state and usually are not domesticated; this shall apply regardless of the state or duration of captivity.

Section three. Amendment to Municipal Code of Ordinances Chapter 14, Article I. The City of Bay City's Code of Municipal Ordinances, Chapter 14 (entitled "*Animals*"), Article VI (entitled "*In General*"), is hereby amended by the addition of the following section:

Section 14-12 BEEKEEPING

(a) A person may not keep a colony that causes a threat to human or animal health, or interferes with normal use and enjoyment of public or private property.

(b) A person shall keep a colony in a man-made hive that is maintained in sound and usable condition.


- (c) A person shall provide a source of water to a colony to prevent the bees from congregating at a water source used by a human, bird, or domestic pet.
- (d) A person shall store or dispose of bee comb or other material removed from a hive in a sealed container, building, or other beeproof enclosure.
- (e) A person who keeps a colony within 25 feet of the property line of a tract, 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. A person is not required to construct a flyway barrier if the apiary tract is adjoined by undeveloped property for a distance of at least 25 feet from the property line of the tract that is closest to location of the colony.
- (f) A person shall immediately replace the queen in a colony that exhibits aggressive characteristics, including stinging or attempting to sting without provocation, or a disposition towards swarming. A person required to replace a queen under this subsection shall select the replacement from bee stock bred for gentleness and non-swarming characteristics.
- (g) A person may not keep more than:
- (1) two colonies on a tract one-quarter acre or smaller;
 - (2) four colonies on a tract larger than one-quarter acre but smaller than one-half acre;
 - (3) six colonies on a tract one-half acre or more but smaller than one acre;
 - (4) eight colonies on a tract one acre or more.
- (h) A person shall brand, paint, or otherwise clearly mark the apiary owner's name or telephone number on at least two hives placed at opposite ends of an apiary; or post a conspicuous sign displaying the apiary owner's name and telephone number at the entrance to the apiary tract. A person is not required to place owner identification on or near a colony located on a tract on which the owner resides.
- (i) No person may remove a colony without possessing a Bee Removal Permit issued by a person authorized to issue such a permit in accordance with Texas law.
- (j) The City may order relocation of a colony of bees not residing in a hive, a swarm of bees, or a colony residing in an abandoned standard or man-made hive 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. If the City determines that relocation of bees under is not possible then, without notice and a hearing, the health authority may order destruction of a colony of bees not residing in a hive, a swarm of bees, or a colony residing in an abandoned standard or man-made hive.

Section four. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

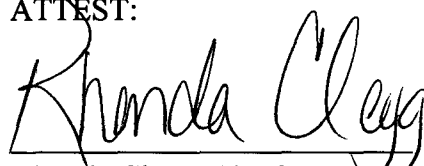
Section five. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section six. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

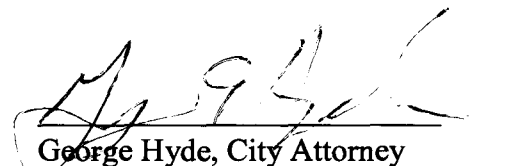
PASSED AND APPROVED on this 9th day of January, 2014.


Mark Bricker, Mayor
City of Bay City

ATTEST:


Rhonda Clegg, City Secretary
City of Bay City

APPROVED AS TO FORM:


George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.



