

ORDINANCE No. 4257

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING HASTINGS CITY CODE SECTION 10-120 AND 10-121 PERTAINING TO BEES; REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

WHEREAS, the City Council of the City of Hastings, Nebraska, has found that honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, honeybees are of benefit to mankind by providing agriculture, fruit and garden pollination services and by furnishing honey, wax, and other useful products; and

WHEREAS, passage of this ordinance is in the interests of the health, safety and welfare of the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That §10-120 of the Hastings City Code be amended to read as follows:

10-120. Keeping of bees.

(1) Definitions. The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:

(a) Apiary shall mean a place where bee colonies are kept.

(b) Bee shall mean any stage of the common domestic honey bee, *Apis Mellifera* Species.

(c) Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

(d) Hive shall mean a structure intended for the housing of a bee colony.

(e) Tract shall mean a contiguous parcel of land under common ownership.

(2) Hives. All bee colonies shall be kept in a hives that is capable of being inspected and with removable combs, which shall be kept in sound and usable condition.

(3) Setback. All hives shall be located at least five feet from any adjoining property with the back of the hive facing the nearest adjoining property.

(4) Fencing of flyways. In each instance in which any colony is situated within 25 feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

(5) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.

(6) Maintenance. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing 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.

(7) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(8) Colony densities.

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

- i. One-quarter acre or less tract size—Two colonies;
- ii. More than one-quarter acre but less than one-half acre tract size—Four colonies;
- iii. One-half acre or more but less than one acre tract size—Six colonies;
- iv. One acre or larger tract size—Eight colonies;
- v. Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

(9) For each two colonies authorized under colony densities, subsection (h)(1) above, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten 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 after the date it is acquired.

SECTION 2. That §10-121 of the Hastings City Code be amended to read as follows:

10-120. Beehives – Nuisance.

The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is deemed a hazard to the health and welfare of the community, is unlawful, and may be removed from the city or turned over to a beekeeper by the development services department or designee.

SECTION 3. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being May 26, 2010, and this ordinance shall thereafter be included in the Hastings City Code Book.

SECTION 5. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

PASSED AND APPROVED this 10th day of May, 2010.



Vern P. Powers
Mayor

Connie Shortman
City Clerk

APPROVED AS TO FORM:

Michael J. [Signature]
City Attorney