

ORDINANCE NO. 1941

AN ORDINANCE AMENDING TITLE 20 OF THE KEOKUK MUNICIPAL CODE ADDING CHAPTER 20.65, KEEPING OF HONEYBEES

Section 1. The Keokuk Municipal Code is hereby amended by adding Chapter 20.65 to read as follows:

Chapter 20.65

Keeping of Honeybees

Sections:

20.65.010 Purpose.

20.65.020 Definitions.

20.65.030 Beekeeping Permit Required.

20.65.040 Standards of Practice.

20.65.050 Colony Density.

20.65.010 Purpose.

The purpose of this ordinance is to establish certain requirements for beekeeping within the City to avoid issues which might otherwise be associated with beekeeping in populated areas.

20.65.020 Definitions.

As used in this section:

- (1) Apiary means the assembly of one (1) or more colonies of honeybees at a single location.
- (2) Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.
- (3) Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (4) 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.
- (5) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.
- (6) Honeybee means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- (7) Lot means a contiguous parcel of land under common ownership.

(8) Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

(9) Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

20.65.030 Beekeeping Permit Required.

(1) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Keokuk without a permit.

(2) At the time of application for a Beekeeping Permit, the applicant shall:

a. Submit a scaled site plan of the proposed Apiary showing placement of the beehive(s) and indicate distances from property lines, the flyway barrier and fences and compliance with all applicable requirements outlined in this Chapter;

b. Submit written consent from abutting property owners and any current occupants of residences within (250) feet of the hives on a form provided by the City of Keokuk. Notification is not required for renewals.

c. Pay a nonrefundable initial permit fee. Fees shall be established by the city council by resolution.

d. Provide written consent of the property owner if the Apiary will be located on property not owned by the applicant. The property owner will be required to sign the application as well.

e. Expiration and Renewal. Beekeeping Permits shall be valid for up to one year. All Beekeeping Permits expire on March 31st of each calendar year. Beekeepers must submit their renewal application at least twenty-one (21) days prior to the expiration date. A renewal permit shall be subject to all applicable requirements as outlined in this Chapter, with payment of a permit renewal fee established by the city council by resolution.

(3) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by the Community Development Director or designee. The permit shall specify any restrictions, limitations, conditions or prohibitions required, as necessary, to safeguard public health and the general welfare. The permit may be suspended or revoked if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(4) The Community Development Director or designee may grant a permit pursuant to this section only after the applicant has met requirements as established in this chapter

and received the written consent of all abutting property owners and any current occupants of residences within (250) feet of the hives.

20.65.040 Standards of practice.

Any person obtaining a permit pursuant to this chapter shall comply with the following standards of practice:

- (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- (4) 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 requeen the colony. Queens shall be selected from stock bred for gentleness and non- swarming characteristics.
- (5) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9-5/8) inch depth ten-frame hive body with no supers.
- (6) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.

20.65.050 Colony density.

Any person obtaining a permit pursuant to this chapter shall comply with the following restrictions on colony density:

- (1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, 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 (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height so long as the vegetation normally reaches six (6) feet in height or higher. The

flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped or zoned industrial.

(2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:

- (a) One-half (1/2) acre or smaller lot: Two (2) colonies;
- (b) Larger than one-half (1/2) acre but smaller than three-quarter (3/4) acre lot: Four (4) colonies;
- (c) Larger than three-quarter (3/4) acre lot but smaller than one (1) acre lot: Six (6) colonies;
- (d) One (1) acre but smaller than Five (5) acres: Eight (8) colonies;
- (e) Larger than Five (5) acres: As determined by the Community Development Director or designee.

(3) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

Section 2. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in effect from and after its final passage, approval, and publication, as provided by law.

INITIALLY PASSED this 21st day of May, 2015.

CITY OF KEOKUK, LEE COUNTY, IOWA

BY: Thomas D. Marion
THOMAS D. MARION, MAYOR

ATTEST: Barb Barnes
BARB BARNES, CITY CLERK

ROLL CALL: O'CONNOR – NAY MOORE – NAY PAYNE – AYE
WINN – AYE HELENTHAL – AYE MORTIMER – AYE
POLLITT – ABSENT BRYANT – AYE DUNEK – AYE

AYES – 6

NAYS – 2

ABSENT – 1

FINALLY PASSED this 4th day of June, 2015.

CITY OF KEOKUK, LEE COUNTY, IOWA

BY: Thomas D. Marion
THOMAS D. MARION, MAYOR

ATTEST: Barb Barnes
BARB BARNES, CITY CLERK

ROLL CALL: O'CONNOR – AYE MOORE – ABSENT PAYNE – AYE
WINN – AYE HELENTHAL – AYE MORTIMER –
ABSENT POLLITT – AYE BRYANT – AYE DUNEK –
AYE

AYES – 7

NAYS – 0

ABSENT – 2