

**TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS  
STATE OF COLORADO  
ORDINANCE NO. 635**

**AN ORDINANCE AMENDING THE TOWN OF LOCHBUIE MUNICIPAL CODE  
BY REPEALING AND READOPTING SECTION 7-6-240  
CONCERNING BEEKEEPING**

**WHEREAS**, Section 7-6-240 of the Municipal Code for the Town currently prohibits the keeping of any active bee yard or bee hive; and

**WHEREAS**, the Board of Trustees of the Town 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 BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:**

Section 1. Section 7-6-240 of the of the Municipal Code for the Town of Lochbuie, Colorado, is hereby repealed and readopted to read as follows:

**Sec. 7-6-240. Beekeeping restrictions.**

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

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

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

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

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

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

(b) Prohibitions and violations. The keeping by any person of bee colonies in the town not in strict compliance with this section is prohibited. It is unlawful and declared to be a nuisance for any person to keep or permit to be kept upon any property he or she owns or occupies any apiary, hive or bee colony except within the rural residential (RR) zone of the Town and in conformity with this Section. 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 unlawful and may be summarily destroyed or removed from the town.

(c) Hives. All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) Colony densities.

(1) It shall be unlawful to keep more than eight colonies on any tract within the town.

(2) For each two colonies authorized under colony densities, subsection (i)(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.

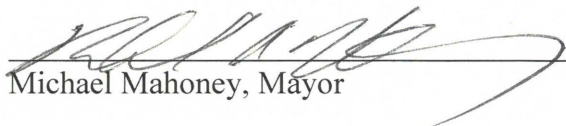
Section 2.     Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 3.     Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 4.     Effective Date. This Ordinance shall take effect 30 days following publication.

ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED following public hearing, this 15<sup>th</sup> day of May, 2018.

TOWN OF LOCHBUIE, COLORADO

  
Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of May 15, 2018, and ordered published in full one time by *The Brighton Blade* newspaper on June 13, 2018.



ATTEST:

  
Monica Mendoza, Town Clerk