

2014-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Bender

Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations.

The City Council of The City of Minneapolis do ordain as follows:

That Section 74.80 of the above-entitled ordinance be amended to read as follows:

74.80. Keeping of honeybees. (a) 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 Minneapolis without a permit.

(b) 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 Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, Minneapolis Animal Care and Control may deny, suspend or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(c) Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and has provided evidence of notification to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of Minneapolis Animal Care and Control. ~~If the applicant is a renter, approval from the property owner will be required. Neighbor notification will be the responsibility of the property owner, though it may be carried out by the applicant. and received the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate and one~~

~~hundred (100) percent of the signatures of occupants of properties immediately adjacent to the applicant's real estate, when the proposed location of the hives, colonies and facilities is within a real estate parcel smaller than four (4) acres in size, the applicant must receive approval from eighty (80) percent of the occupants of the several descriptions of real estate situated within two hundred fifty (250) feet of the hives and one hundred (100) percent of the occupants of the several descriptions of real estate situated within one hundred fifty (150) feet of the hives. For the purposes of this subsection, the term "occupant" refers to any one (1) occupant for each of the real estate properties referenced. When the proposed location of the hives, colonies and facilities is located on a rooftop on a second or higher story of any building or structure and the proposed hives are at least five (5) feet from the nearest side of the building or structure and at least fifteen (15) feet from the nearest adjacent and occupied building or structure not owned or operated by the applicant, the written consent requirements imposed by this subsection shall not be required.~~

(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars (\$100.00) which shall be paid at the time of application. There shall be no fee for annual renewal, but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by Minneapolis Animal Care and Control. Failure to provide such renewal and/or annual notification may result in an inspection and penalties including citation and revocation of permit. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.

(f) *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.

(g) *Standards of practice.* Any person obtaining a permit pursuant to this section 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) For each colony permitted to be maintained under this article, 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-inch depth ten-frame hive body with no supers.

(5) 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.

(6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. Fence latches shall be located at least sixty (60) inches off of the ground or be constructed in a manner approved to keep children from being able to access. A fence shall not be required if the hives are approved to be located on a rooftop ~~on a second or higher story~~ so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.

(7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify Minneapolis Animal Care and Control so that the hives may be made available to an approved honeybee rescue entity, or, if necessary, disposed of by Minneapolis Animal Care and Control. There shall be a fifty dollar (\$50.00) fee for disposal of hives.

(h) *Colony density.* Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

(1) Except as otherwise provided in this chapter, 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, and any entrances to the hive faces that lot 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 thereof, 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 is zoned agricultural or

industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

(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 ($\frac{1}{2}$) acre or smaller lot: Two (2) colonies;

b. Larger than one-half ($\frac{1}{2}$) acre but smaller than three-quarter ($\frac{3}{4}$) acre lot: Four (4) colonies;

c. Larger than three-quarter ($\frac{3}{4}$) 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 Minneapolis Animal Care and Control.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.

(4) 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.

(i) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property, or if a single family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives.