AGENDA ITEM # 6.4

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: September 1, 2020

Subject: Ordinance Amendment Regarding Bee Keeping

Report: The City received a request to allow Bee Keeping. The Planning Commission prepared the attached Ordinance Amendment for your consideration. The red text is the proposed language to be added. The Planning Commission is unanimously recommending you approve the Ordinance Amendment.

Council Action Requested:

A. Council motion to amend Section 17-7.8 Animal Husbandry.
B. Council motion authorizing Summary Publication. This requires a 4/5 vote.

ORDINANCE NUMBER 20-__, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OFO THE CITY CODE
REGARDING BEE KEEPING
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Pequot Lakes does ordain as follows:

Purpose and Intent: The purpose and intent of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding Bee Keeping.

Amendment: Chapter 17, Article 7.8 shall be amended as follows:

Section 17-7.8 ANIMAL HUSBANDRY

1. Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with Section 17-7.7(3).

2. Livestock.

   A. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.

   B. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with Section 17-7.7(3).

3. Wild Animals.

   A. The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.

   B. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources pursuant to Minnesota Rules Chapter 6244.

4. Bees.

   A. Definitions:

i. "Apiary" means the assembly of one or more colonies of bees at any one location.
ii. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
iii. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
iv. "Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
v. "Hive" means the receptacle inhabited by a colony that is manufactured for that purpose.
vi. "Honey bee" means all life stages of the common domestic honey bee, apis melifera (African subspecies and Africanized hybrids are not allowed).
vii. "Lot" means a contiguous parcel of land under common ownership.

B. Standards of Practice.
i. Honey Bee Colonies
a. Shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
b. In any instance in which a colony exhibits unusually aggressive behavior, it shall be the duty of the permit holder to promptly take appropriate action to address the behavior.
ii. Beekeepers
a. Must ensure that a convenient source of water is available within 10 feet of each colony at all times that the colonies remain active outside the hive.
b. Must 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 vermin-proof container.
c. Shall maintain beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking and securing unused equipment from weather, potential theft, vandalism, and occupancy by swarms.
d. Must live on the apiary lot.

C. Hives.
i. Are not permitted in a front yard or in a street side yard.
ii. Shall be located at least 10 feet from all property lines.

iii. Shall be at least 25 feet from a principal building on an abutting lot.

iv. In each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier 6 feet in height as follows:

a. The flyway barrier must extend 10 feet in either direction from the hive along the property line.

b. Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.

v. A fence permit is required.

vi. Sale of honey and hive products from the beekeeper's residence is considered a Type III Home Occupation, and is allowed in certain zones according to Section 17-5.17, "Land Use Matrix." Honey and hive products sold onsite shall be from hives located on the subject property and owned by the property owner.

D. Colony Density.

The following numbers of colonies are permitted:

i. Lots less than 21,780 sq. ft. (½ acre): two colonies;

ii. Lots larger than ½ acre: four colonies.

E. Beekeeper Training.

Prior to obtaining an initial permit a beekeeper must provide:

i. A beekeeping course completion certificate or letter from an educational institution that offers a beekeeping course.

ii. Verification of equivalent experience for the honey bee keeping course.

F. Permit Required.

i. Permits will be issued annually and shall expire on December 31 of each year.

ii. A Land Use Permit Application shall be completed by the applicant, along with detailed site plan indicating location of hives.

iii. Notices will be mailed to all adjacent property owners within 150 feet of applicant's property.

iv. If there are no objections received within 10 days of mailing the notices, the application will be processed by staff.

v. If objections are received within 10 days of mailing notices, the Planning Commission will consider the application.

vi. Permits are non-transferable and do not run with the land.

vii. By signing the application, the bee keeper acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of keeping the bees on the premises.

viii. The City Council shall establish the permit fee. For each subsequent permit, there shall be no fee for the permit, unless there are substantial changes to the apiary or there is a new bee keeper.

ix. If the standards of practice are not maintained subsequent to issuance of a bee keeping permit, the permit may be revoked by the city.

x. Sales of honey or hive products from the home must be stated on the permit.

Amendment: Chapter 17, Article 5.17 shall be amended as follows:

Section 17-5.17 LAND USE MATRIX

Amendment: The following changes shall be made to the Land Use Matrix:
A – allowed w/o a permit; P – permitted, C – conditional use; I – interim use; AC - accessory use, E – excluded.

USE	OS	FM	AG	WR	SR	TR	RR	DMU	C	SC	R	UR	LI	P	PD
Bee Keeping	P	P	P	E	P	P	P	E	E	E	P	P	E	E	E

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

Passed by the Pequot Lakes City Council this 1st day of September, 2020.

_____
James Tayloe
Mayor

ATTEST:

_____
Angie Duus
City Clerk/Treasurer

ORDINANCE NUMBER 20-___, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE
REGARDING BEE KEEPING
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA

The following is the official summary of Ordinance No. 20-___, Second Series, approved by the City Council of the City of Pequot Lakes, on the 1st day of September, 2020.

The purpose and intent of this ordinance is to amend Chapter 17 of the City Code regarding Bee Keeping.

A printed copy of this ordinance is available for inspection by any person at City Hall.

Passed by the Pequot Lakes City Council this 1st day of September, 2020.

_____
James Tayloe
Mayor

ATTEST:

_____
Angie Duus
City Clerk/Treasurer