

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1866
Series of 2016

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A BILL FOR AN ORDINANCE AMENDING THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF NEW PROVISIONS TO CHAPTER 14 ENTITLED ANIMAL CONTROL REGARDING THE KEEPING OF BEES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 14-1-1 of the Northglenn Municipal Code is amended by the addition thereto of new subsections (w), (x), (y), (z) and (aa) to read as follows:

CHAPTER 14
ANIMAL CONTROL

ARTICLE 1. ANIMAL CONTROL – GENERAL PROVISIONS

Section 14-1-1. Definitions. As used in this article and in Chapter 14 of this City of Northglenn Municipal Code:

* * *

(w) “**Apiary**” shall mean place where bee colonies are kept;

(x) “**Colony**” shall mean a hive and its equipment and appurtenances, including honey bees, comb, honey pollen and brood;

(y) “**Hive**” shall mean a structure intended for the housing of a honey bee colony;

(z) “**Flyway Barrier**” shall mean a permanent vertical structure made of common building materials or natural vegetation that augments a honey bee’s flight path. A flyway barrier’s utility is to adjust the flight path of honey bees causing them to fly above human contact;

(aa) “**Swarm**” shall mean the process by which a new honey bee colony is formed when the queen bee leaves the colony with a large group of worker bees.

Section 2. Article 3 of Chapter 14 of the Northglenn Municipal Code is amended by the addition thereto of a new Section 14-3-19 to read as follows:

Section 14-3-19. Keeping of honey bees.

(a) Purpose. This section is established to provide for regulations regarding the keeping of honey bees on residential properties with separately enclosed rear yards and as outlined in section 11-7-2 of the Northglenn Zoning Ordinance. This section does not regulate the keeping of bees on open space, parks or community gardens. More specifically, the purpose of this Section is to provide for the following:

(1) Establish certain requirements of sound beekeeping practices, which are intended to regulate the keeping of honey bees in populated areas;

(2) Regulate the number and placement of hives on the property;

(3) Provide for adequate protection of honey bees consistent with existing City regulations;

(4) Provide for appropriate regulations with regard to nuisances created by the keeping of honey bees;

(5) Establish a licensing protocol for the keeping of honey bees; and

(6) This Section 14-3-19 does not supersede the covenants of any subdivision or homeowners association.

(b) Animal Protection. Protection of animals, including honey bees is regulated by Chapter 9, Article 7 (Animal Protection Ordinance) of the Northglenn Municipal Code.

(c) Nuisance. Any nuisance associated with the keeping of bees shall be regulated by Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code.

(d) Disruption of hives by wildlife. The City shall not regulate or otherwise be deemed to have any responsibility for conflicts with the keeping of bees created by wildlife.

(e) Licensing of Honey Bees. Any person residing in the City of Northglenn desiring to keep upon their premises bees, as defined in 14-1-1 of the Northglenn Municipal Code must apply for a license pursuant to the provisions of this section 14-3-19.

(1) A license issued under this section 14-3-19 may authorize the keeping by the person named in the license, and the members of the immediate family of such person, upon the premises stated in the license, or the number of honey bee hives stated in the license.

(2) Application for such license shall be made to the Department of Planning and Development upon forms provided by the City and accompanied by payment of a

license fee of twenty-five dollars (\$25.00). Such application shall contain such information as the Department of Planning and Development may require for purposes of enforcement of the provisions of this section 14-3-19, including at least the following:

A. The name and address of the applicant;

B. An acknowledgment of the regulations for the keeping of honey bees as prescribed by this section 14-3-19.

(3) Any license issued under the provisions of this section 14-3-19 for the keeping of honey bees shall be subject to cancellation, suspension and revocation as provided by article 1 of Chapter 18 of the Municipal Code.

(4) Except as otherwise provided in this section, proceedings for the cancellation, suspension or revocation of any license issued under the provisions of this ordinance shall be as provided in Section 14-2-17 and article 1 of Chapter 18 of the Municipal Code.

(f) Maximum Number. No more than two (2) honey bee hives are permitted per parcel.

(g) Hive Placement. Hives must be placed in the rear yard.

(h) Aggressive bees and swarms. If a colony becomes aggressive or swarms, the beekeeper shall re-queen the colony with a queen selected from stock bred for gentleness and nonswarming characteristics.

(i) Hive Screening Required. The beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that will not allow the bees to pass through, and that is located within five (5) feet from the hive's egress, and is parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

(j) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees so that the honey bees are discouraged from congregating at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, or domestic pet contact.

(k) Prohibited. Africanized bees shall be prohibited.

(l) Maintenance of hives. Any honey bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees or colony residing in a standard or homemade

hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and shall be deemed a public nuisance in accordance with Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code. The hive may be summarily destroyed or removed from the City by an appropriate designee. The beekeeper will have thirty (30) days from the time of the complaint to bring the hive/hives into compliance.

(m) The licensing of honey bees provided herein shall not be deemed a property use within the meaning of C.R.S. § 38-1-101(3)(a), and nothing in this Ordinance shall be deemed to confer a property right, but shall instead authorize a mere license for the activity of keeping honey bees.

Section 3. The City Council hereby directs that the City staff evaluate the impacts regarding the implementation of this Ordinance and provide a report to the City Council on or before June 30, 2017 regarding the issues, if any, caused by the implementation of this Ordinance.

INTRODUCED, READ AND ORDERED POSTED this 25th day of April, 2016.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this _____ day of _____, 2016.

JOYCE DOWNING
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
City Clerk


COREY Y. HOFFMANN
City Attorney