

State of Minnesota
County of Rice

CITY OF FARIBAULT

ORDINANCE 2017-4

**AN ORDINANCE TO AMEND FARIBAULT CITY CODE CHAPTER 6 ANIMALS AND FOWL
AND APPENDIX B UNIFIED DEVELOPMENT REGULATIONS
AS IT RELATES TO BEEKEEPING**

WHEREAS, a number of residents have expressed a desire to keep honey bee hives within city limits for honey production and to support pollination of gardens and agriculture; and

WHEREAS, this request was presented to the City Council which agreed to consider ordinance amendments for this purpose; and

WHEREAS, City Staff prepared the City's application and made a report to the Planning Commission (ZTA 3b-17); and

WHEREAS, the Planning Commission, on the 20th day of March, 2017, and the 17th day of April, following proper notice, held a public hearing regarding said request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the proposed ordinance amendments finding that the request is consistent with all of the required findings for a zoning text amendment as required by Section 2-180 of the City's Unified Development Ordinance; and

WHEREAS, the City Council, on the 25th day of April, 2017 at a regular public meeting received the staff report, recommendation and findings of the Planning Commission; and

WHEREAS, the City Council hereby finds proposed the ordinance amendment (to Chapter 6 of the City of Faribault Code of Ordinances) and zoning text amendment is appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The Land Use Plan supports a high quality of life for residents in the City and provides for appropriate land uses in residential areas.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: The proposed amendment will be effective Citywide and will benefit all residents.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The zoning text amendment proposed in this case will not change the zoning classification of a particular property.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The zoning text amendment proposed in this case will not change the zoning classification of a particular property.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The zoning text amendment proposed in this case is in response to an increased trend among cities statewide which have adopted similar ordinances and regulations at the request of their citizens.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Intent. The intent of this Ordinance is to allow the keeping of bees on single-family residential properties for the production of honey and to support pollination of gardens and agriculture.

Section 2. Addition. Section 6-39 of the City Code of the City of Faribault is hereby added:

Sec. 6-39. – Beekeeping.

A permit shall be required for the keeping of honey bees. Applicants shall apply for a permit and following the regulations outlined in Section 7-30 of Appendix B Unified Development Regulations.

Section 3. Amendment. Section 1-120 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following definitions:

Apiary. The assembly of one or more colonies of bees at a single location.

Beekeeper. A person who owns or has charge of one or more colonies of bees.

Beekeeping equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

Hive. The receptacle inhabited by a colony that is manufactured for that purpose.

Honey bee. All life stages of the common domestic honey bee, *apis mellifera* species.

Nucleus colony. A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Section 4. Amendment. Section 7-30 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

Beekeeping

(1) A permit is required for the keeping of honey bees.

- (a) The applicant shall be the person who will be responsible for the bees. If the applicant shall keep bees on a property that he or she does not own, the property owner shall be required to sign the application.
- (b) For each property on which honey bees will be kept, the applicant shall complete an application, pay the required application fee, and provide a site plan or property survey showing the location of hives in relation to any neighboring residences, property lines, sidewalks, alleys, and rights-of-way and how the apiary or property will be visually screened from adjacent property and public areas.
- (c) The applicant shall provide the certificate of completion from a honey bee keeping course from the University of Minnesota, Century College, or Three Rivers Park District. Applicants requesting consideration of a comparable course from another institution or instructor shall provide documentation regarding such course.
- (d) All initial permits shall expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked. An application for a renewal permit shall be filed with the City by November 30th of the year the permit expires.

- (e) The City shall have the right to inspect any apiary at any reasonable time for the purpose of ensuring compliance with this ordinance.
 - (f) Any and all permits of a beekeeper may be terminated or not renewed for violation of these regulations following notice to the permit holder and an opportunity for an appeal in accordance with the process outlined in Chapter 2, Article 4 of the Unified Development Regulations.
 - (g) If, as a result of the hearing process, it is determined that the bees must be removed, the City shall give 30 days for such removal. If the order for removal has not been complied with, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Removal or destruction of bees shall be in consultation with the University of Minnesota Bee Lab or similar organization. As a result of the order for removal, the beekeeper shall not be allowed to have a permit for beekeeping for a period of 2 years on any property within the City.
 - (h) A permit issued to a person whose premise is subject to private restrictions and/or covenants that prohibit the keeping of bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.
- (2) Honey Bee colonies meeting the requirements of the UDC may be kept only on detached single-family residential property, licensed institutional properties (i.e. schools), or properties within the O or TUD districts. Each lot may not have more than the following number of colonies based on its area:
- a. 3/4 acre or smaller lot 4 colonies
 - b. Larger than 3/4 acre lot but smaller than 5 acre lot 8 colonies
 - c. Larger than 5 acre lot no restriction
- (3) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on an apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.
- (4) Honey bee colonies may be kept in langstroth, warre, or top-bar hives as long as the comb is removable for inspection. All hives shall be kept in a sound and useable condition. All hives shall clearly identify the permit holders name, contact information, and address on which the hive is kept.
- (5) No person shall establish or maintain any hive or keep any bees in the front yard of a property or within 10 feet of any property line, sidewalk, alley, other public right of way measured from the nearest point on the hive to the property line.
- (6) Each beekeeper shall ensure that a convenient source of water is available within 10 feet of each of the colonies so long as colonies remain active outside of the hive.
- (7) Each apiary shall be visually screened from adjacent properties and public right-of-way. This may be achieved through a combination of buildings, fencing, or vegetation. Additional screening may be required at the discretion of the Planning and Zoning Division based on the specific site characteristics.

- (8) 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.
- (9) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
- (10) Each beekeeper shall maintain his 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 or vandalism, and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

Section 5. Amendment. Section 10-200 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (10) Beekeeping in compliance with Section 7-30.

Section 6. Amendment. Section 10-240 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (11) Beekeeping in compliance with Section 7-30.

Section 7. Amendment. Section 10-280 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (11) Beekeeping in compliance with Section 7-30.

Section 8. Amendment. Section 10-320 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (11) Beekeeping in compliance with Section 7-30.

Section 9. Amendment. Section 10-360 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (10) Beekeeping in compliance with Section 7-30.

Section 10. Amendment. Section 13-530 of the Unified Development Regulations, found in Appendix B of the City Code of the City of Faribault is hereby amended to add the following:

- (10) Beekeeping in compliance with Section 7-30.

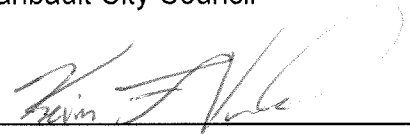
Section 11. Summary Publication. Upon approval by a vote of no fewer than five of seven City Members, the following summary shall be printed in the official City Newspaper:

On June 13, 2017, the Faribault City Council adopted Ordinance 2017-4 amending Chapter 6 Animals and Fowl and Appendix B Unified Development Regulations to allow beekeeping on detached single-family properties, licensed institutional properties, or properties within the O or TUD districts if a permit is secured and regulations are followed. A printed copy of the ordinance is available for inspection during regular business hours at Faribault City Hall.

Section 12. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter

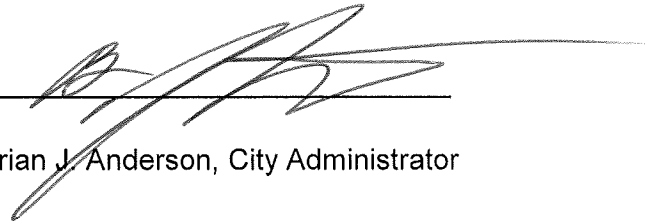
First Reading: April 25, 2017
Second Reading: June 13, 2017
Published: June 20, 2017

Faribault City Council



Kevin F. Voracek, Mayor

ATTEST:



Brian J. Anderson, City Administrator