

Honey Bee Ordinance

1101.06. Beekeeping. Honey bees are an asset to the community and important in the pollination of plants and in the production of honey and other products. The purpose and intent of this ordinance is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the City.

Subd. 1. Definitions: Unless the context clearly indicates otherwise, the words, combination of words, terms, and phrases as used in this section shall have the meanings set for the in the following paragraphs:

- “Apiary” shall mean the assembly of one or more colonies of bees on a single lot.
- “Beekeeper” shall mean a person who owns or has charge of one or more colonies of honey bees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.
- “Beekeeping Equipment” shall mean anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- “Colony” shall mean an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- “Flyway Barrier” shall mean a barrier that raises the flight path of bees as they come and go from a hive.
- “Hive” shall mean the receptacle inhabited by a colony.
- “Honey Bee” shall mean all life stages of the common domestic honey bee. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.
- “Nucleus Colony” shall mean a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.
- “Super” shall mean a box that holds the frames where bees will store the honey.
- “Swarming” shall mean the process where a queen bee leaves a colony with large group of worker bees in order to form a new honey bee colony.
- “Unusual Aggressive Behavior” shall mean any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

Subd. 2. Colony Location.

- a) Hives cannot be located in the front yard and must be located a minimum of ten (10) feet from the rear or side property lines and 25 feet from public rights-of-way unless further restricted elsewhere in this Code. A corner lot shall be considered to have two front yards. Hive openings shall face in toward subject property’s backyard.
- b) Honey bee colonies shall be kept in removable frames, which shall be kept in sound and usable condition.

- c) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9 5/8 inch depth, ten-frame hive body with no supers.
- d) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.
- e) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

Subd. 3. Colony Density.

- A. Every lot or parcel of land in the City shall be limited to the following number of colonies based on the size of the apiary lot:
 - a. One half acre or smaller is allowed two colonies;
 - b. More than one half acres to three quarters of an acre is allowed four colonies;
 - c. More than three quarter of an acre to one acre is allowed six colonies;
 - d. More than one acre to five acres is allowed eight colonies;
 - e. More than five acres, there is no restriction on the number of colonies and no registration is required.
- B. If any beekeeper removes honeybees from locations where they are not desired, that person shall not be considered in violation if the person temporarily houses the honeybees on the Apiary Site of a beekeeper registered under this Section for no more than 30 days and remains at all times in compliance with the other provisions in this section.

Subd. 4. Required Conditions.

- A. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
- B. A constant supply of water shall be provided for all hives, except during the dormant period.
- C. Materials from a hive or colony which might encourage the presence of honeybees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- D. Beekeeping equipment shall be maintained in good condition. Unused beekeeping equipment must be protected to prevent occupancy by swarming honeybees.
- E. Hive shall be continuously managed to provide adequate living space for their resident honeybees in order to prevent swarming.
- F. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior.
- G. Honey may not be sold from any residential property.

Subd. 5. License Required. A license is required for any person seeking to keep and raise honeybees in the city of Askov as allowed by this Ordinance. Registration is not required for sites over 5 acres in size. An applicant must complete an application form provided by the city. The application shall include, but is not limited to, the following information:

- A. If the beekeeper relocates a hive or colony to a new apiary site, the beekeeper shall apply for an updated registration, prior to the relocation, on the form provided by the city of Askov.
- B. The applicant for the license must notify all residents of the property are the applicant is not the owner or operator and the owner or operator must be an additional signatory on the license application.
- C. Residents seeking approval to keep and raise honeybees shall submit an application, and site plan.
- D. Upon receipt of application, the City will send written notice to property owners living within 200 ft. of applicant. Any objections to the registration must be made in writing a received within ten (10) days. If any written objection is received, the application must be referred to the City Clerks.
 - a. The application must be denied if the City receives a written objection from an adjacent property owner that includes medical documentation by a licensed physical of an allergy to honeybee venom.
- E. Applicants for a beekeeping license shall provide proof of applicable training or provide a waiver indicating how required experience has been obtained.

Subd. 6. Duration of License and Fee.

- A. Each license issued under this ordinance shall expire on December 31 in the year of issuance unless sooner revoked. A license shall be renewed annually to continue the limited keeping of honeybees.
- B. The annual fee for a license shall be in such amount as set forth the City Master Fee Schedule which shall be paid at the time of the making of the application.

Subd. 7. Inspection & Enforcement. Upon initial registration, annual renewal or any updated registration, each beekeeper must allow for an inspection by an officer designated by the City Council of the site. Upon prior notice to the owner of the apiary site, City staff shall have the right to inspect any apiary. The City council may refuse to grant or revoke a license if the honeybees become a nuisance as determined by the officer designated by the City Council.

Subd. 8. Appeal and Hearing Procedure. Registrations issued under this Section may be denied, revoked or non-renewal due to any of the following:

- a) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety, or general welfare of public as determined by the officer designated by the City Council.

- b) Fraud, misrepresentation, or false statement contained in the registration application or during the course of the registered activity; and
- c) Any violation of the applicable provisions in this Chapter.

Notice of approval, denial, revocation or non-renewal must be made in writing to the registrant and to any person opposing the application for initial registration specifying the reason(s) for the action. The registrant or any person opposing the application may request a hearing with the Askov City Council with fourteen (14) days of the date of the notification letter.