

ORDINANCE NO. 8 - 2014

AN ORDINANCE ALLOWING BEEKEEPING IN THE TOWN OF WELLINGTON

WHEREAS, the Town of Wellington has historically prohibited the keeping of bees with in the Town, and

WHEREAS, the Town Board of Trustees have reviewed beekeeping practices and risks including practices adopted by other local municipalities, and

WHEREAS, the Town Board of Trustees recognize the benefits associated with maintaining bees in the Town and the ability to limit risks to residents of the Town,

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Wellington, Colorado, take the following action:

of Chapter following provisions of Chapter 7 of the Town Code are amended to read as follows:

SECTION 1: Section 7-4-680 of the Town Code is repealed and reenacted to read as follows and the following Division 5.5 related to Beeping is adopted and made a part of Chapter 7 of the Town Code:

Sec. 7-4-680. Beekeeping.

It is unlawful to keep or harbor any bees in the Town except in strict compliance with Division 5.5 of this Chapter 7 of the Town Code, is declared to be a menace to the health and safety of the residents of the Town and is hereby declared to be a public nuisance and is prohibited and subject to abatement. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the Town and is hereby declared to be a nuisance and is prohibited. Any bee colonies kept in the Town not in compliance with this Division or otherwise declared to be a nuisance pursuant to this Section may be summarily destroyed or removed from the Town by the Town Administrator/Clerk, the Town's Code Enforcement officer or any designee of the Town Administrator/Clerk. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

Bees

Division 5.5

Sec. 7-4-550. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

Apiary shall mean a place where bee colonies are kept.

Bee shall mean any stage of the common domestic honey bee, *apis mellifera* species.

Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Hive shall mean a structure intended for the housing of a bee colony.

Tract shall mean a contiguous parcel of land under common ownership.

Undeveloped property shall mean 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 use or occupancy, and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Sec. 7-4-551. Certain conduct declared unlawful.

(a) The general purpose of this Division is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(b) Notwithstanding compliance with the various requirements of this Division, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. 7-4-552. Hives.

All bee colonies shall be kept in hives with moveable combs, which shall be kept in sound and usable condition.

Sec. 7-4-553. Fencing of flyways.

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, 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 is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all 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. It is a defense to prosecution under this

Section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

Sec. 7-4-554. Water.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.

Sec. 7-4-555. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. 7-4-556. Queens.

In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

Sec. 7-4-557. Colony densities.

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the Town, based upon the size or configuration of the tract on which the apiary is situated:

- (1) One-quarter ($\frac{1}{4}$) acre or less tract size - one (1) colonies;
- (2) More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract size - two (2) colonies;
- (3) More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract size -three (3) colonies;
- (4) One (1) acre or larger tract size - four (4) colonies; and
- (5) Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

(b) For each two (2) colonies authorized under colony densities, Subsection (a) above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine-and-five-eighths-inch depth, ten-frame hive body with no supers attached as required from time to time for management of swarms. Each

such nucleus colony shall be disposed of or combined with an authorized colony within sixty (60) days after the date it is acquired.

Sec. 7-4-558. Marking hives, presumption of beekeeping.

(a) In apiaries, the name and telephone number of the beekeeper shall be branded, painted or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this Subsection that a colony is kept on the same tract upon which the owner resides.

(b) Unless marked in accordance with Subsection (a), it shall be presumed for purposes of this Division that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

Sec. 7-4-559. Inspection and registration

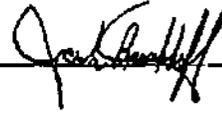
Any keeper of an apiary shall register such apiary annually with the Town Administrator/Clerk and shall obtain a business or other modified apiary business license established by the Town shall and provide such reasonable information relative to the operation of the apiary as the Town Administrator/Clerk reasonably require and the Town Administrator/Clerk or the Town Administrator/Clerk's designee shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he or she resides at the apiary or if his or her name is marked on the hives.

Section 2. Validity. The provisions of this Ordinance are hereby declared to be severable and, if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision or part of this Ordinance or application thereof to any person or circumstances, if held invalid, the remainder of this Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

Section 3. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

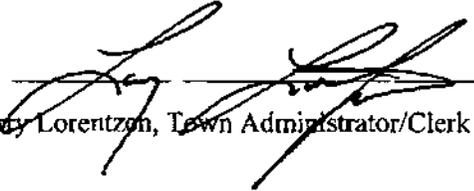
PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington and ordered published by title this 22 day of April, 2014, to become effective thirty (30) days following publication.

Jack Brinkhoff, Mayor



ATTEST:

Lary Lorentzon, Town Administrator/Clerk



PUBLISHED BY TITLE IN THE "COLORADOAN" ON THE 16th DAY OF JUNE, 2014.