

**ORDINANCE NO. 838**

**AN EMERGENCY ORDINANCE REGARDING BEEKEEPING WITHIN  
THE CITY, AND ESTABLISHING A TEMPORARY MORATORIUM ON  
THE ESTABLISHMENT OF NEW HIVES**

**WHEREAS**, the City regulates health, sanitation and animals in Chapter 7 of the Dacono Municipal Code; and

**WHEREAS**, the City has been made aware that beekeeping activities are being conducted within the City in a manner that is impacting the peace and enjoyment of properties located within the vicinity of such hives; and

**WHEREAS**, the City Council finds that while beekeeping is an activity that may provide certain benefits, such an activity is only appropriate in urban settings if it may be conducted in a manner that does not affect the use and enjoyment of surrounding properties; and

**WHEREAS**, the regulations and licensing requirement set forth herein are intended to address the negative secondary affects of beekeeping activities being experienced by surrounding properties, and to prevent the occurrence of such affects in the future; and

**WHEREAS**, the City Council finds and determines it is of great importance to the City and its residents that the City Council immediately address these negative affects, and to temporarily prohibit the establishment of new hives until after the City Council can assess whether regulations will permit beekeeping activities to be conducted in the City in a manner that is not injurious to surrounding properties, or if beekeeping activities should be prohibited within the City; and

**WHEREAS**, in order to protect the public health, safety and general welfare of the inhabitants of the City, the City Council hereby finds and determines that it is necessary and appropriate to impose a temporary moratorium for a period of six months on the issuance of a beekeeping license, during which time the City shall review the effectiveness of the regulations set forth herein and any additional regulations that may permit such activities without negatively impacting the City and its residents; and

**WHEREAS**, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter ; and

**WHEREAS**, an emergency exists because the City Council finds and determines it is of critical importance to the City and its residents that such moratorium and the regulations set forth herein become effective immediately in order to address existing hives that are negatively impacting surrounding properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

**Section 2.** Upon the effective date of this ordinance, and until March 31, 2018, no application for approval of a beekeeping license for new hives shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. Only hives existing on the effective date of this ordinance may be licensed during the term on the temporary moratorium imposed by this Section.

**Section 3.** Chapter 7 of the Dacono Municipal Code is hereby amended by the addition of a new Article 7 to read in full as follows:

**ARTICLE 7**

**Bees**

- Sec. 7-130 Definitions.
- Sec. 7-131 Locations where beekeeping permitted.
- Sec. 7-132 Hives to be covered while hauling.
- Sec. 7-133 Certain conduct declared unlawful.
- Sec. 7-134 Hives.
- Sec. 7-135 Fencing of flyways.
- Sec. 7-136 Water.
- Sec. 7-137 General maintenance.
- Sec. 7-138 Queens.
- Sec. 7-139 Colony densities.
- Sec. 7-140 Marking hives, presumption of beekeeping.
- Sec. 7-141 Licensing requirements.
- Sec. 7-142 Declaration of nuisance.
- Sec. 7-143 Enforcement.

**Sec. 7-130 Definitions.**

The following words, terms and phrases, when used in this chapter, 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.

*Nucleus colony* shall mean a new hive of bees typically consisting of 4-7 bars or frames of bees, brood, honey and pollen created by the beekeeper to be used in hive and swarm management.

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

**Sec. 7-131 Locations where beekeeping permitted.**

Beekeeping may be permitted in all residential zone districts, with the exception that beekeeping is prohibited on any lot on which a multiple-family dwelling is located.

**Sec. 7-132 Hives to be covered while hauling.**

No person shall haul or transport through the City any parts of beehives in which there is honey or comb, unless the beehives are covered with canvas or covered in some other manner so as to keep the bees which might be therein from escaping.

**Sec. 7-133 Certain conduct declared unlawful.**

The general purpose of this Article 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. Notwithstanding compliance with the various requirements of this Article, 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 or interfere with the normal use and enjoyment of any public or private property, or to fail to comply with the requirements of this Article.

**Sec. 7-134 Hives.**

A. All bee colonies shall be kept in removable frames, which shall be kept in sound and usable condition.

B. All hives must retain a minimum 10 foot setback from the designated side and rear property lines. No hives shall be permitted within the front yard setback.

**Sec. 7-135 Fencing of flyways.**

In each instance in which any colony is situated within 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 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

**Sec. 7-136 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. 7-137 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. 7-138 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 property owner to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

**Sec. 7-139 Colony densities.**

A. It shall be unlawful to keep more than the following number of colonies on any tract or lot within the City, based upon the size or configuration of the tract or lot on which the apiary is situated:

1. One-quarter ( $\frac{1}{4}$ ) acre or less - two colonies;
2. More than one-quarter ( $\frac{1}{4}$ ) acre but less than one-half ( $\frac{1}{2}$ ) acre - four colonies;

3. More than one-half ( $\frac{1}{2}$ ) acre but less than one (1) acre - six colonies;
4. One acre or larger - eight colonies; and
5. Regardless of tract size, where all hives are situated at least 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 colonies authorized under colony densities, subsection A. above, there may be maintained upon the same tract, or lot one nucleus colony in a hive structure not exceeding seven bars or frames in size. Each nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

**Sec. 7-140 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 hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may post a sign, readable from the adjoining public right of way, setting forth the name and telephone number of the beekeeper.

B. Unless marked in accordance with subsection A. above, it shall be presumed for purposes of this Article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract or lot 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. 7-141 Licensing Requirements.**

A. Prior to commencing the installation of an apiary, beekeepers shall be required to obtain a license from the City. All apiaries in existence on the effective date of this ordinance must obtain a license from the City on or before September 29, 2017. It shall be unlawful for any person to conduct, or allow to be conducted, any beekeeping activities upon any property within the City without obtaining a license.

B. Each application for a license shall be made to the City Clerk and shall be accompanied by a written certification that the beekeeper has mailed notice to all properties within a 500 foot radius of the apiary property. Notice shall at a minimum provide the name, address, contact information, and number of hives to be contained in the apiary. No license shall be issued until the clerk, or

the clerk's designee, investigates the location or proposed location of the apiary and determines all requirements of this Article have been met.

C. Each license shall be valid for the stated term as determined by the City Clerk, but shall be required to be renewed at least annually. The annual license fee shall be \$50.00. A license is subject to revocation or non-renewal for non-compliance with the requirements of this Article.

D. If, during the term of any beekeeping license, the City Council by ordinance prohibits beekeeping within the City, all beekeeping licenses shall expire on the effective date of such ordinance and all apiaries shall be disassembled and all hives removed from the City within thirty days.

E. There shall be no refund of any portion of a license fee paid pursuant to this Section for any reason.

**Sec. 7-142 Declaration of nuisance.**

The keeping of any bee colonies in the City not in strict compliance with this Article is declared to be a menace to the health and safety of the residents of the City and is hereby declared to be a nuisance. 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 City and is hereby declared to be a nuisance. Any bee colonies kept in the City not in compliance with this Article or otherwise declared to be a nuisance pursuant to this section may be summarily destroyed or removed from the City at the direction of the Chief of Police. 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.

**Sec. 7-143 Enforcement.**

A. The City Administrator and Chief of Police, and their respective designees, shall be charged with enforcement of this Article.

B. In addition to any other remedies, the City Administrator or the Chief of Police, or their respective designees, may pursue remedies pursuant to the applicable provisions this code with respect to any nuisance declared under this Article.

**Section 3.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect

the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

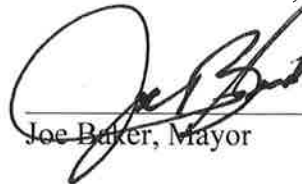
**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 5.** Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to exceed one (1) year, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

**Section 6.** The City Council herewith finds, determines, and declares that this ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety. Pursuant to Charter § 3-10, this ordinance shall be effective upon adoption.

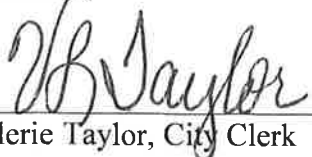
**INTRODUCED, READ, ADOPTED BY AT LEAST FIVE AFFIRMATIVE VOTES, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL THIS 11TH DAY OF SEPTEMBER, 2017.**

CITY OF DACONO, COLORADO



\_\_\_\_\_  
Joe Baker, Mayor

ATTEST:



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Valerie Taylor, City Clerk

Summary of Ordinance No. 838, **“AN EMERGENCY ORDINANCE REGARDING BEEKEEPING WITHIN THE CITY, AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW HIVES”** Establishes beekeeping regulations, imposes a requirement that all apiaries be licensed, and imposes a temporary moratorium on the establishment of new hives.