

**ORDINANCE NO. 845**

**AN ORDINANCE PROHIBITING BEEKEEPING WITHIN THE CITY**

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

**WHEREAS**, the City received complaints that beekeeping activities were being conducted within the City in a manner that was impacting the peace and enjoyment of properties located within the vicinity of such hives; and

**WHEREAS**, by Ordinance No. 838 adopted on September 11, 2017, the City Council imposed a temporary moratorium on the keeping of bees within the City, except that any person then keeping bees could apply for and receive a license for hives to authorize the keeping of bees during the pendency of the moratorium, subject to the regulations adopted by Ordinance No. 838; and

**WHEREAS**, no applications were received to license existing hives during the period of the moratorium, and the beekeeping activities known to the City at the time the moratorium was imposed were voluntarily ceased; 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 City Council has determined the regulations and licensing requirement set forth in Ordinance 845, which were 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, have not been utilized and so there is insufficient evidence upon which the City Council may find the same would be effective; and

**WHEREAS**, the City therefore desires by this ordinance to prohibit beekeeping activities within the City and repeal the regulations and licensing that were in effect during the term of the moratorium; 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.

**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.** Chapter 7, Article 7, of the Dacono Municipal Code, entitled “Bees” is hereby repealed.

**Section 3.** Section 7-84 of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 7-84. Prohibited animals.**

Except as may be permitted in the Agricultural Zone District pursuant to Section 16-272 of this Code or as may be permitted by a PUD Final Development Plan for property located within a PUD Zone District approved pursuant to Chapter 16, Article ~~28~~ 27 of this Code, no person shall keep or harbor within the City limits any animal that may reasonably and generally be categorized as a fowl, livestock or wild animal with the following exceptions: there shall be permitted in each household in the City no more than a total of two (2) ducks or two (2) rabbits, or a combination of ducks and rabbits not to exceed four (4) in number. However, when a duck or a rabbit has a litter, the household shall not fall within the prohibition of this Section until such time as the ducklings or bunnies are four (4) weeks of age in order to give the owners time to conform with this Section. Tropical birds and fish commonly kept within the home are not banned by this Section. For purposes of this Section, “livestock” shall include horses, cattle, sheep, goats, pigs, bees, and other useful animals commonly kept on a ranch or farm.

**Section 4.** 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 5.** 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 6.** 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.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 12<sup>th</sup> day of March, 2018.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 9<sup>th</sup> day of April, 2018, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 9<sup>th</sup> day of April, 2018.**

CITY OF DACONO, COLORADO

  
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Joe Baker, Mayor

ATTEST:

  
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Valerie Taylor, City Clerk

Summary of Ordinance No. 845, **“AN ORDINANCE PROHIBITING BEEKEEPING WITHIN THE CITY”** Prohibits beekeeping within the City and repeals the regulations and licensing requirement that were in effect during the period of the temporary moratorium on new hives.