ORDINANCE NO. 6460

AN ORDINANCE TO AMEND TITLE 4 "HEALTH AND SANITATION" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY ENACTING A NEW CHAPTER 4.22 ENTITLED "BEES AND APIARIES".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 4 "Health and Sanitation" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended to enact a new Chapter 4.22 entitled "Bees and Apiaries" to read as follows:

Chapter 4.22-BEES AND APIARIES
4.22.010 Definitions-Bees and Apiaries
4.22.020 Regulation of Bees and Apiaries
4.22.030 Penalty for Violation

4.22.010 Definitions-Bees and Apiaries

The following terms shall be defined as follows:

Apiary: Any premises where one or more bee colonies are maintained.

Bee: Any stage of the honeybee belonging to the genus *Apis*.

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

Colony: A queen bee and more than one worker bee located on beeswax or synthetic combs and enclosed in a container.

Flyway Barrier: Solid fence, wall, or dense line of hedges or foliage designed to raise the flight path of bees leaving the hive. Any fences or walls shall be in conformance with requirements of the zoning code.

Hive: The man-made receptacle inhabited by a colony of bees.

4.22.020 Regulation of Bees and Apiaries

It shall be unlawful for any person to place, establish, or maintain any apiary, or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with the provisions of this section.

A. No person shall place more than two hives on any premises located in a residentially-zoned area of less than 1 acre. Residentially-zoned properties in excess of 1 acre may maintain up to two hives per acre. No density limitations are placed on apiaries located in nonresidential-zoned areas, so long as a nuisance is not created.

B. Commercial, agricultural, or professionally-owned or maintained apiaries on residentially-zoned premises are not allowed per the zoning code. Apiaries on residentially-owned premises shall be owned and maintained by the owner or resident of the residential property.

C. No hive shall be maintained within:
   1. 50 feet of any dwelling, with the exception of that of the owner of the hive.
   2. 25 feet of any property line unless there is a flyway barrier between the hive and property line. The flyway barrier must be 6 feet in height and span 10 feet from the hive(s) in both directions parallel with any property line whose 25 foot hive setback has been encroached upon.
   3. 150 feet of the property line of a school, public park, in ground swimming pool, or playground.
   4. The front yard of any property. For the purpose of this section, a corner lot has two front yards.

D. All apiaries shall have a source of fresh water on the premises within 10 feet of the hive(s).

E. Subsequent development of adjacent properties. If adjacent property is later developed, or residential structures located closer than the distances provided in CBMC 4.22.020(C), construction of flyway barriers is required to comply with this chapter.

F. Exceptions. Nothing in this chapter shall be deemed or construed to prohibit the keeping of bees within a school or university building for the purpose of study or observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.

G. The City is not liable for any damage to bees, hives, or colonies resulting from the City's use of herbicides or pesticides on right-of-ways or other public property.

4.22.030 Penalty for Violation

Any person firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND June 28, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 6-14-21
Second Consideration: 6-28-21
Public Hearing: N/A
Third Consideration: _____