

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-9-10 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; RELATING TO KEEPING OF BEEHIVES; PROVIDING FOR METHODOLOGY; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO THAT:

Section 1. Repealing and Re-enacting Section 5-9-10, City Code.

Section 5-9-10 of the City Code of the City of Idaho Falls is hereby repealed and re-enacted as follows:

5-9-10: KEEPING OF BEEHIVES:

(A) Purpose: The purpose of this section is to protect the public health and safety by establishing terms and conditions under which domestic honeybees and beehives may be kept within the City.

(B) Definitions:

Apiary: Any place where one or more colonies of honeybees are located.

Beekeeper: A person who owns or has charge of one (1) or more colonies of honeybees.

Colony: Honeybees in a hive including, queens, workers and drones.

Hive: A frame hive, box, barrel, log, gum skep or other artificial or natural receptacle used to house honeybees.

Honeybee: The common domestic honeybee, *Apis Mellifera* species, at any stage of maturity, but excluding the African honeybee, *Apis Mellifera Scutelata* species.

Owner: Any person or entity who owns, leases or controls a parcel of real property upon which an apiary is kept.

- (C) Beekeeping allowed: No Beekeeper or Owner shall place, keep or allow any apiary or colony of bees in or upon any parcel of real property located within the City unless such apiary conforms to the provisions of this section.
- (D) Terms and Conditions: All apiaries or colonies of honeybees kept within the City shall conform to the following terms and conditions:
1. The apiary or colony shall consist of no more than two (2) hives per residential lot.
 2. Each hive shall be no larger than eight cubic feet in volume.
 3. The apiary or colony is maintained only in or upon a side yard or rear yard of a residential lot. Apiaries or colonies shall not be kept or maintained in a commercial or industrial zone.
 2. Honeybees shall be kept in hives with removable frames and shall be kept in sound and usable condition.
 3. Hives shall be placed no less than seven feet (7') from any property line and at least six inches (6") above the ground, measured from the ground to the lowest portion of the hive. Hives shall not be placed within fifty feet (50') of any dwelling, porch, gazebo, swing set, sandbox, playground equipment, deck or swimming pool, unless the owner of such dwelling, equipment or property has given written consent for hive placement.
 4. If any hive is located within thirty feet (30') of an adjacent property line, a fence, closed hedge, building or other impervious barrier no less than six feet (6') high and forty (40) feet in length shall be centered located between the hive and the adjacent property line.
 5. A fresh water supply will be maintained at all times within twenty (20 feet of the apiary in order to prevent the bees from congregating at neighboring water sources.
 6. No species of bee is kept other than domestic honeybees.
 7. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
 8. If the colony exhibits unusually aggressive behavior or when the colony includes Africanized bees, the beekeeper or owner shall promptly remove or re-queen the colony.

9. All hives shall have a legible identification label securely fastened thereupon bearing the name, current street address and telephone number of the beekeeper who owns the hive.
10. All apiaries or colonies shall comply with the Idaho State Bee Inspection statute and other applicable state laws.

Section 2. Severability. The provisions of this Ordinance are severable. In the event any provision shall be determined to be void or unenforceable for any reason, such determination shall not affect the enforceability of the remaining provisions.

Section 3. Preservation of Prior Ordinance. The sections of the City Code amended or repealed by this Ordinance shall be preserved to the extent necessary to allow the arrest, prosecution and punishment of any person who violates such provisions prior to the effective date hereof.

Section 4. Effective Date. This Ordinance shall be effective upon its passage, execution and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2011.

Jared D. Fuhriman
Mayor

ATTEST:

Rosemarie Anderson
City Clerk

(SEAL)

STATE OF IDAHO)
)ss.
County of Bonneville)

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-9-10 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; RELATING TO KEEPING OF BEEHIVES; PROVIDING FOR METHODOLOGY; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE."

Rosemarie Anderson
City Clerk