

CHAPTER 572

BEES

Section

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572.01 Definitions.

The following terms, as used in this Chapter, shall have the meanings stated in this section:

“Apiary” means the assembly of one or more colonies of bees at a single location.

“Beekeeper” means a person who owns or has charge of one or more colonies of bees.

“Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

“Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

“Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

“Licensed Premises” means the lot for which a honey been license has been applied for or granted, as the applicable context requires.

“Lot” means a contiguous parcel of land under common ownership.

“Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

“Undeveloped property” means 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

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

572.02 General Prohibition.

No person shall keep honey bees within the corporate limits of the City except as allowed by this Chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

572.03 Licenses.

Subd. 1 License Required. A person may keep an apiary if the person holds a current honey bee license issued pursuant to this Chapter. Each person holding a current honey bee license shall at all times comply with the requirements of this Chapter.

Subd. 2 License Period. Honey bee licenses are effective for one year commencing at the beginning of the day on July 1st of each year and expiring at the end of the day on June 30th of the following year. Each honey bee license issued after July 1st shall run for a partial year from the beginning of the day the license was issued to the end of the applicable license period.

Subd. 3. License Application. A person desiring to keep an apiary in the City must apply for an annual honey bee license using forms supplied by the City Clerk. An application for an initial license may be made at any time. An application for a renewal license may be made at any time after May 1st for the upcoming license period. The application for an initial or renewal license shall include, but not be limited to, the following information and agreements:

- A. The address of the licensed premises where the apiary will be kept.
- B. A scaled drawing showing the location, size, and dimensions of all hives located on the licensed premises including their distance from other structures on the lot and neighboring property lines.
- C. An agreement by the applicant that the licensed premises may be inspected by the City at any time to ensure compliance with this Chapter.
- D. A statement that the applicant understands the conditions and requirements of this Chapter.

Subd. 4. License Requirements. No bee license shall be issued or renewed until the City Administrator (or his or her designee) has determined that all of the following conditions have been met:

- A. An application has been submitted with accurate and complete information.
- B. An inspection of the licensed premises and hives described in the application has been performed by the City with the applicant's permission.
- C. Based on the application and inspection, the requirements of this Chapter have been met in regard to the proposed apiary on the licensed premises.
- D. Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 5. Fees.

- A. An application for a honey bee license or a renewal honey bee license shall be accompanied by the appropriate honey bee license fee set forth in Section 1100 of the Waconia City Code. If an initial honey bee license is for a partial year, the fee shall be prorated based upon the number of days between the preceding July 1st and the date of issuance as compared to the number of days between the date of issuance and the following June 30th, provided the minimum license fee shall be \$25.00 and any proration shall not reduce the license fee below such amount.
- B. If the application is denied, the license fee, less \$25.00, shall be returned to the applicant.
- C. If a license is surrendered by a license holder or revoked before the end of the license period, no refund shall be given.

572.04 Operation.

Subd. 1. General Requirements.

A beekeeper must occupy the licensed premises for which the honey bee license was issued.

Subd.2 Colony and Hive Requirements.

- A. No person shall keep more than the following numbers of colonies on any licensed premises within the City, based upon the size or configuration of the licensed premises:
 - One half acre or smaller lot – 2 hives
 - Larger than 1/2 acre but smaller than 3/4 acre lot – 4 hives

- Larger than 3/4 acre lot but smaller than one acre lot – 6 hives
- One acre but smaller than five acres - 8 hives
- Larger than five acres - no restriction

- B. For each colony permitted to be maintained under this Chapter, there may also be maintained upon the same licensed premises, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
- C. Except as otherwise provided in this Chapter, in each instance where a colony is kept less than 25 feet from a property line of the licensed premises upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the licensed premises lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the licensed premises lot line (1) is undeveloped or (2) is zoned agricultural, industrial or is outside of the City limits.
- D. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Further, each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to a violation of this Chapter that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- E. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

Subd. 3 Waste.

Each beekeeper shall ensure that materials from a hive or colony which might encourage the presence of honey bees, such as wax combs, shall be promptly disposed of in a sealed container, or placed within a building or other bee-proof enclosure.

572.05 Inspection.

The City may inspect a licensed premises at any time to confirm compliance with the requirements of this Chapter.

572.06 Revocation.

The City may revoke a honey bee license if any requirement set forth in this Chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein shall be interpreted as preventing the City from also prosecuting any violation of this Chapter as a criminal violation pursuant to Chapter 102 of the Waconia City Code.

572.07 Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any applicant that has been denied the issuance of a honey bee license or any person whose honey bee license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision.

572.08 Application of Chapter to Other Requirements.

Subd. 1 Private Restrictions and Covenants.

- A. Notwithstanding the issuance of a license by the City, private restrictions or covenants on the use of licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant declarations.
- B. A honey bee license issued to a person whose licensed premises is subject to private restrictions and/or covenants that prohibit the keeping of honey bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2 Coordination with Other Code Provisions.

- A. Compliance with this Chapter shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance.
- B. Compliance with this Chapter shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health.