

Ordinance No. 184, Fourth Series

AN ORDINANCE AMENDING CHAPTERS 10 AND 11 OF THE RED WING CITY CODE TO ALLOW URBAN BEEKEEPING

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Chapter 11 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

STANDARDS THAT RELATE TO AGRICULTURAL DISTRICTS AND AGRICULTURAL USES

55-120 Farming Operations.

- C) **Suburban Farm Operations.** Suburban agricultural operations may occur on parcels of less than 10 contiguous acres in Agricultural Districts. Suburban agricultural operations may include the production of crops such as fruit trees, shrubs, plants and flowers, vegetables, and domestic pets, provided such produce is intended for the use of the residents on the property or sale away from the property, or for temporary seasonal produce sales which require no roadside stand.
- 1) Suburban farm operations may include domestic farm animals provided:
 - a) The parcel is greater than five contiguous acres in area with at least two acres of grazeable acreage per animal.
 - b) An adequate animal shelter structure can be constructed.
 - c) A Minnesota Pollution Control Agency Permit can be obtained by the owner/applicant.
 - 2) Suburban farm operations shall not include the raising of domestic farm animals (no parcels of less than five acres), roadside stands for sale of products, processing or packaging operations, or similar uses, with the exception that bee keeping and backyard chicken keeping may occur in agricultural districts (parcels of less than five acres) and non-agricultural districts per the regulations found below in Division 55-120E) and Division 55-120 F).
- E) **Urban/Suburban Bee Keeping Regulations.** A Certificate of Compliance permit shall be required for the keeping of honeybees in non-agricultural districts and in

agricultural districts on properties with less than five acres of land. Applicants shall apply for a permit and follow the regulations outlined below.

1) Definitions

- a. Apiary. The assembly of one or more colonies of bees at a single location.
- b. Beekeeper. A person who owns or has charge of one or more colonies of bees.
- c. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- d. Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- e. Hive. The receptacle inhabited by a colony that is manufactured for that purpose.
- f. Honey Bee. All life stages of the common domestic honey bee (honeybee), *apis mellifera species*.
- g. Nucleus Colony. A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

2) Certificate of Compliance Requirements.

- a) The applicant shall be the person who will be responsible for the bees. If the applicant shall keep bees on a property that he or she does not own, the property owner shall be required to sign the application.
- b) For each property on which honeybees will be kept, the applicant shall complete an application, pay the required application fee, and provide a site plan or property survey showing the location of hives in relation to any neighboring residences, property lines, sidewalks, alleys, and rights-of-way and how the apiary or property will be visually screened from adjacent property and public areas.
- c) The applicant shall provide the certificate of completion from a honeybee keeping course from the University of Minnesota, Century College, or Three Rivers Park District. Applicants requesting consideration of comparable course from another institution or instructor shall provide documentation regarding such course.

- d) The application review process shall require written notification to all property owners within 250' of a property proposed for beekeeping. Any property owner within the notification area may submit a written objection or comments regarding the permit within 14 days to the Zoning Administrator; these comments will be considered during the application review process. If a property owner living within the notice area submits an objection with written medical documentation from a licensed physician that the person is allergic to honeybee venom, the City shall deny the application.
 - e) All initial permits shall expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked. An application for a renewal permit shall be filed with the City by November 30 of the year the permit expires.
 - f) The City shall have the right to inspect any apiary at any reasonable time for the purpose of ensuring compliance with this ordinance.
 - g) Any and all permits of a beekeeper may be terminated or not renewed for violation of these regulations following notice to the permit holder and an opportunity for an appeal in accordance with the process outlined in Division 90-120.
 - h) If, as a result of the hearing process, it is determined that the bees must be removed, the City shall give thirty (30) days for such removal. If the order for removal has not been complied with, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Removal or destruction of bees shall be in consultation with the University of Minnesota Bee Lab or similar organization. As a result of the order for removal, the beekeeper shall not be allowed to have a permit for beekeeping for a period of two (2) years on any property within the City.
 - i) A permit issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the keeping of bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.
- 3) Honeybee colonies meeting the requirements of this Division may be kept in any zoning district. Each parcel may not have more than the following number of colonies based on its area:
- a) Smaller than (3/4) acre parcel _____ 2 colonies.

- b) (3/4) acre to less than (1) acre parcel 4 colonies.
- c) (1) acre to less than (5) acre parcel 8 colonies.
- d) Larger than five (5) acre parcel no restriction.
- 4) If the beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if they temporarily house the swarm on an apiary lot in compliance with the standards of practice set out in this ordinance for no more than thirty (30) days from the date acquired.
- 5) Honeybee colonies may be kept in langstroth, warre, or top-bar hives as long as the comb is removable for inspection. All hives shall be kept in a sound and useable condition. All hives shall clearly identify the permit holders name, contact information, and address on which the hive is kept.
- 6) No person shall establish or maintain any hive or keep any bees in the front yard of a property or within 35' of any property line, sidewalk, alley, other public right of way measured from the nearest point on the hive to the property line.
- 7) Each beekeeper shall ensure that a convenient source of water is available within 10' of each of the colonies so long as colonies remain active outside the hive.
- 8) Each apiary shall be visually screened from adjacent properties and public right-of-way. This may be achieved through a combination of buildings, fencing, or vegetation. Additional screening may be required at the discretion of the Zoning Administrator based on the specific site characteristics.
- 9) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- 10) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in hive structure not to exceed one standard 9-5/8-inch depth 10-frame hive body with no supers.
- 11) Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft of vandalism, and occupancy by swarms. It shall not be a defense to this

ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

55-130 **Livestock.**

F) **Hazards and Nuisances.** On parcels of less than 40 acres which are not part of a larger crop producing commercial agriculture farm, the keeping of horses, cattle or other grazing animals on a site with less than 2 acres of existing grazeable land per animal is hereby declared to be a nuisance. No domestic animals, livestock, or kennels shall be placed on any site of less than 5 acres, except as permitted in Division 55-120.

SECTION 2: Chapter 10 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

CHAPTER 10 PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 10.07. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

1. "Farm Animals" - cattle, horses, mules, sheep, goats, swine (except Miniature Vietnamese Potbellied Pigs, subject to Subdivision 9 of this Section), ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.
2. "Animals" - includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal not in transit, except:

- A. farm animals kept in that portion of the city zoned for agricultural purposes, or,
- B. animals kept as part of a show licensed under the City Code, or,
- C. animals used in a parade for which a permit has been issued, or,
- D. animals kept in a laboratory for scientific or experimental purposes, or,
- E. animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.
- F. backyard chickens and honeybees, in compliance with Division 55-120 (Chapter 11 – Zoning Regulations).

SECTION 3. Effective Date: This Ordinance is effective 14 days following the publication of the ordinance in accordance with the City Charter.

Introduced the 13th day of June 2022

Adopted this 27th day of June, 2022

Becky Norton, Council President

ATTEST:

Teri L. Swanson, City Clerk

(seal)

Presented to the Mayor at _____ pm on this _____ day of _____ 2022.
Approved this _____ day of _____ 2022.

Michael Wilson, Mayor