

**ORDINANCE 03-07-2023**

**AN ORDINANCE ALLOWING THE KEEPING OF CERTAIN HONEYBEES IN CERTAIN ZONING DISTRICTS IN THE CITY**

**LET IT BE ORDAINED AS FOLLOWS:**

City of Daleville: Keeping of bees and bee hives.

**(A) Definitions** - For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

- (1) Apiary means a place where bees are kept or a collection of honeybee colonies.
- (2) Beekeeper means a person or entity who owns, leases or manages one or more colonies of bees on real property which is owned or leased, as a result of a bona fide, arms-length transaction, by the Beekeeper for pollination or the production of honey, beeswax or other byproducts, either for personal or commercial use. Said definition shall not include a person or entity who does not own or lease the property and nothing in this ordinance shall allow any such person or entity from maintaining bees on property which is not owned or leased by beekeeper.
- (3) Bee means any stage of the common honeybee. *Apis mellifera* species.
- (4) City means the corporate limits of The City of Daleville, Alabama.
- (5) Colony means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.
- (6) Hive means a structure for housing honeybees.
- (7) Real Property shall be as defined in this Ordinance and shall mean real property and all improvements thereon which constitute a single parcel of land.
- (8) Zoning district shall mean zoning districts as defined in the City's zoning ordinances Article 4 District Regulations 4-14 and as set out in this ordinance.

**(B) Approval requirements**

- (1) It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within corporate limits without a special exception from the Board of Adjustment of The City of Daleville, Alabama to keep such bees. The procedure for Board of Adjustment approval shall be the same procedure as to any request for a special exception,

including, but not necessarily limited to, application, advertising and notice requirements, and the like.

(2) Beekeepers with existing apiaries shall have 60 days from the adoption date of the ordinance from which this section derives to obtain conditional use approval with numbers of colonies kept or harbored under their supervision within the corporate limits with the Board of Adjustment of The City of Daleville, Alabama.

(3) After the adoption of the ordinance from which this section derives, all apiaries and colony numbers must obtain conditional use approval from the Board of Adjustments of the City before the bee colonies are maintained, kept or harbored within the city limits.

(4) Also, for avoidance of doubt, it is intended by this Ordinance to require beekeepers to maintain the requirements of this Ordinance regardless of existing or subsequent location of one or more residences (or schools, hospitals, etc. - see below) adjoining the real property of the beekeeper. In other words, for example, if a residence is now or later located adjoining the beekeeper's real property which causes an apiary to be less than 100 feet from that residence, or for example, a school is now or later located within 300 feet of said apiary, this ordinance's provisions shall nevertheless apply and the beekeeper shall either not establish the apiary, re-locate the apiary or close the apiary to comply with this Ordinance.

#### **(C) Genetic stock**

(1) Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits. Under no circumstances shall any other type or species of bees be kept.

(2) Once Africanized honeybees have been confirmed by a recognized authority as inhabiting any area of Alabama, beekeepers shall be required to re-queen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas where Africanized honeybees are found or exist.

(3) Beekeepers will be required to keep and maintain receipts of purchases of honeybees, including, but not limited to, queens to be produced upon request by the enforcement authority. At all times said records and the real property shall remain open for inspection by the Code Enforcement Department of the City of Daleville which shall have the right, but not the obligation, to make such inspections.

**(D) Creating nuisance** - It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbor colonies of bees under their supervision within the corporate limits in a manner or condition that would render the enjoyment of life or property uncomfortable to

others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others. Moreover, nothing in this Ordinance intends to override or otherwise allow the keeping of bees on any real property where restrictive covenants or other applicable documents affecting title to or the regulation of said real property would restrict or prohibit the existence of said bees or apiaries.

(E) **Allowed zoning districts** - Beekeepers shall only establish and maintain apiaries in only agricultural districts or R-100/R-85/R-75S/R75M districts, as those zoning districts are defined in the City's zoning ordinances.

(F) **Colony density** - Beekeepers shall maintain no more than the following number of colonies of bees in the following real property parcels within corporate limits:

- (1) Lots of one acre or less in R-100/R-85/R-75S/R75M zones: maximum of up to four colonies.
- (2) Lots greater than one acre of real property in R-100/R-85/R-75S/R75M zones: maximum of up to six colonies.
- (3) In Ag zones, two acres of real property or larger: maximum of up to eight colonies; otherwise, the above maximums shall apply as in R100 zones.

All of said maximum numbers are subject to Board of Adjustment approval. The Board of Adjustment, in its discretion, may adjust the number of colonies based on the circumstances of the request.

(G) **Property lines** - Beekeepers shall keep no colonies of bees within 25 feet of adjoining public or private property boundary lines and the following shall apply:

(1) The colonies shall be placed behind a solid fence or solid bee fly-ways (meaning, a permanent vertical, solid structure made of common building materials that augments a honey bee's flight path) at least six feet in height that is parallel to the property line and extends at least six feet beyond the colonies in each direction; and

(2) That all bee fly-ways are forced over a minimum of a six feet levels.

(H) **Water supply** - Beekeepers shall provide a convenient source of water available at all times, especially when colonies are actively rearing brood, and in times of extreme heat.

(I) **Swarming of bees; duty to retrieve** - Should bees swarm onto adjoining property or within 1000 feet of where the apiaries are established, the beekeeper shall be required to retrieve said swarm(s), provided appropriate consent/permission is obtained from the property owner where the swarm(s) is located.

(J) **Apiaries** - Beekeepers operating apiaries within the corporate limits of the City of Daleville, Alabama shall comply with all State of Alabama and any federal bee regulations and laws.

(K) **Sale of Honey** - Beekeepers shall not commercially sell or offer for sale honey from any R-100/R-85/R-75S/R75M zones without applying for a home occupation in accordance with the City zoning's ordinances.

(L) **Signage** - Beekeepers shall maintain signage on their property clearly visible from the public right of way fronting the property where bees are kept stating that "Honey Bees Kept Outdoors Here."

(M) **Penalty for violation** - Any person violating any provision of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished pursuant to the Code of Ordinances for The City of Daleville and shall be adjudicated in the municipal court or other court of competent jurisdiction.

(N) **Injunctive relief** - In addition to and cumulative of all other penalties, The City of Daleville, Alabama shall have the right to seek injunctive relief for any or all violations of this section

(O) **Further Restriction** - It shall be unlawful to keep, harbor or maintain bees within 100 feet of all neighboring residence(s) and 300 feet of any school, church, hospital, public building, park, playground or body of water.

(P) **Provisions** - Any provisions of this Ordinance which are found by a court of competent jurisdiction to be prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability shall not invalidate or render unenforceable such provision in any other jurisdiction.

(Q) **Effect** - This Ordinance shall take effect upon passage and upon publication as required By law.

ADOPTED THIS 21<sup>st</sup> DAY OF March, 2023.

ATTEST:

Angelina Gilmore  
City Clerk



[Signature]  
Mayor

Alan Sanders  
Council Member

[Signature]  
Council Member

Alicia Reese  
Council Member

Jimmy M. Monk  
Council Member

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Council Member