

ORDINANCE NO. 5.06.33.7, Series of 2015

TITLE: A BILL FOR AN ORDINANCE TO ADD A NEW SECTION 6.01.310, AMEND SECTIONS 6.01.060(3)a., 9.01.005 AND 9.07.010, AND ADD A NEW SECTION 9.05.060 OF THE PARKER MUNICIPAL CODE CONCERNING BEEKEEPING WITHIN THE TOWN OF PARKER

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Parker Municipal Code is amended by the addition thereto of a new Section 6.01.310, which is to read as follows:

6.01.310 Bee colonies.

It shall be unlawful and deemed a nuisance for any person to possess, harbor, or maintain a bee colony on any lot within the Town that is not in compliance with Section 9.05.060 of this Code, including, but not limited to, any colony that is not contained within a hive structure intended for beekeeping, or any swarm of bees or any colony contained within a hive structure, which by virtue of its poor condition appears to be abandoned.

Section 2. Section 6.01.060, Subparagraph (3)a. of the Parker Municipal Code is amended by the addition of the following public nuisance, to read as follows:

6.01.060 Action to abate a public nuisance.

* * *

(3) Abatement by criminal action/penalty assessment.

* * *

a. The following nuisances, as described in Article II of this Chapter, shall constitute criminal violations under this Code:

* * *

13. Keeping of bees, in violation of Section 6.01.310 of this Code.

Section 3. Section 9.01.005 of the Parker Municipal Code is amended by the addition of the following definitions, to read as follows:

9.01.005 Definitions.

As used in this Title, unless the context clearly indicates otherwise:

* * *

Apiary: A place where one or more beehives are kept.

Bee means the adult stage of the common domestic honeybee, *Apis mellifera* species.

Beekeeper means any person who owns or maintains a bee colony.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Comb means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Hive means a structure intended for the housing of one bee colony.

Honey super means the part of a hive used to collect honey and may consist of a box in which frames or combs are hung to collect the honey.

Lot means a tract, plot or portion of a subdivision or other parcel of land held in single ownership and not divided by a public street.

Section 4. Subparagraph 9.05.030(a)(1) of the Parker Municipal Code is amended to read as follows:

9.05.030 Keeping wild, exotic or dangerous animals.

(a) It shall be unlawful for any person to own, possess, harbor or sell or in any other manner traffic in the following species or hybrid species of animals:

(1) All venomous animals, with the exception of tarantulas, poison dart frogs and the scorpions listed below, Burmese python and reticulated python snakes with a length greater than six (6) feet measured from the tip of the nose to the tip of the tail, and bees, as provided by Chapter 9.05 of this Code.

Section 5. Chapter 9.05 of the Parker Municipal Code is amended by the addition of a new Section 9.05.060, Bees, to read as follows:

9.05.060 Bees.

(a) It shall be unlawful for any person to possess, harbor, keep, maintain or permit a colony within the Town, except as provided by this Section.

(b) Maximum colonies permitted per residential or commercial lot.

(1) Greater than 5,000-square-foot lot, but less than one-quarter-acre lot in size: Two (2) colonies;

(2) One-quarter-acre lot, but less than one-half-acre lot in size: Four (4) colonies;

(3) One-half-acre lot, but less than one-acre lot in size: six (6) colonies;

(4) One-acre lot, but less than five-acre lot in size: Twelve (12) colonies;

(5) Five-acre lot, but less than 35-acre lot in size where all hives are situated at least two hundred (200) feet in any direction from all property lines of the lot on which the apiary is situated: Twenty-four (24) colonies; and

(6) Thirty-five acre lot or greater where all hives are situated at least two hundred fifty (250) feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(c) Minimum setback. A hive shall be set back a minimum of five (5) feet from any property line and shall not be located in the front yard as established by the zone district where the lot is located.

(d) Hives. All colonies shall be kept in hives with moveable combs or frames, which shall be kept in sound and usable condition.

(e) Rooftop Hives. Hives are permitted on flat rooftops on properties zoned for commercial uses where they meet setback requirements established in Subsection (c) above.

(f) Water. The beekeeper authorized by the property owner, property owner, or occupant of the lot that contains a hive shall provide a convenient source of water on the lot that is available at all times for the bees to prevent the bees from congregating at swimming pools, outdoor faucets, pet water bowls, birdbaths or other water sources where bees may come into contact with humans, birds or domestic pets.

(g) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper authorized by the property owner, property owner, or occupant of the lot that contains the colony to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(h) Community gardens, parks and open spaces. When a hive is located within a community garden, park, or open space, the beekeeper authorized by the property owner, the property owner, or occupant of the lot shall fully enclose the hive with a 6-foot fence to secure the hive from access by persons other than the beekeeper authorized by the property owner, property owner, or occupant of the lot. Exhibition and educational hives may be exempted from this requirement by the Animal Welfare Officer.

(i) It shall be unlawful for any person to possess, harbor, keep, maintain or permit Africanized bees in the Town.

Section 6. Subsection 9.07.010(c) of the Parker Municipal Code is amended to read as follows:

9.07.010 Penalties for violation.

* * *

(c) The penalty assessment procedure provided in Section 3.03.200 of this Code may not be used by the Animal Welfare Officer, and the alleged violator shall be required to appear in the court for any of the following violations:

* * *

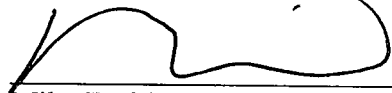
(11) Keeping bees in violation of Section 9.05.060 of this Code.

Section 7. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.


Section 8. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 9. This Ordinance shall become effective ten (10) days after final publication.


INTRODUCED AND PASSED ON FIRST READING this 3rd day of August, 2015.


Mike Waid, Mayor


ATTEST:


Carol Baumgartner, Town Clerk

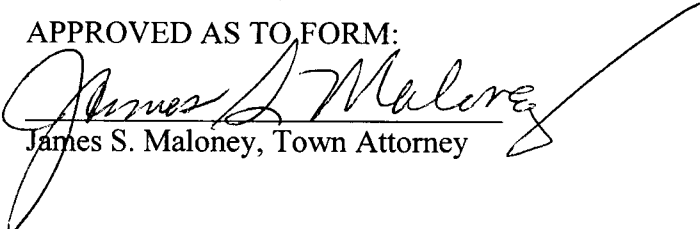
ADOPTED ON SECOND AND FINAL READING this 21st day of September
2015.


Mike Waid, Mayor

ATTEST:


Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:


James S. Maloney, Town Attorney