

BILL NO. 21-104

AN ORDINANCE AMENDING CHAPTER 5 OF THE LEE'S SUMMIT CODE OF ORDINANCES TO ENACT NEW BEEKEEPING REGULATIONS, AND AMENDING ORDINANCE NO. 9105 TO ADD A FEE FOR BEEKEEPING.

An Ordinance Amending Chapter 5 of the Lee's Summit Code of Ordinances to Enact New Beekeeping Regulations, and Amending Ordinance No. 9105 to Add a Fee for Beekeeping.

WHEREAS, Chapter 5 of the Code of Ordinances (the "Code") of the City of Lee's Summit sets forth regulations regarding animals within the City of Lee's Summit; and,

WHEREAS, there is a need to regulate and set minimum standards for the keeping of bees within the corporate limits of the City to protect the public health, safety and welfare of its residents; and,

WHEREAS, the City Council desires to amend section 5-2 of the Code to include definitions for the terms "apiary", "colony", "bee", "hive", "developed property" and amend the current definition of the term "animal" to include bees; and

WHEREAS, the City Council desires to amend section 5-7 of the Code to update the regulations pertaining to beekeeping within the city limits; and

WHEREAS, the City Council desires to amend the Schedule of Fees and Charges, which was most recently amended by Ordinance No. 9105 and which is scheduled to take effect on July 1, 2021, to include a fee for beekeeping.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Section 5-2 of the Code shall be amended by repealing the definition of "Animal" and enacting a new definition of "Animal" in lieu thereof, and by adding five new definitions, as follows:

Sec. 5-2. – Definitions

Animal shall mean any bee or live, vertebrate creature, domestic or wild, other than humans.

Apiary shall mean the assembly of one or more colonies of bees at a single location.

Bee shall mean all life stages of the common domestic bee, *Apis mellifera* species.

Colony shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Developed property shall mean any change of land use or improvement on any parcel of land within the City of Lee's Summit, including city parks.

Hive shall mean a langstroth, top bar or warre type box or container used for housing bees.

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All other definitions in Section 5-2 which are not added or amended as set forth above shall remain in Section 5-2 as written.

SECTION 2. Section 5-7 of the Code shall be amended by repealing that Section in its entirety and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 5-7. - Beekeeping.

A. Purpose.

The City Council finds that there is a need to regulate and set minimum standards for the keeping of bees within the corporate limits of the City to protect the public health, safety and welfare of its residents. This shall apply to those persons or entities who presently possess beehives or who intend to possess beehives in the future.

B. Compliance with Provisions.

It shall be unlawful for any person to place, establish or maintain any hive, stand, box or apiary or keep any bees in or upon any premises within the corporate limits of the City, unless the bees are kept in accordance with the provisions of this Section.

C. License Required; Fee.

Any person keeping hives, stands, boxes or apiaries in accordance with Section 5-7 of this Article shall be required to obtain a license from the City. The license shall be valid from January 1 through December 31 of each year.

A fee for said license will be required as outlined in the adopted Schedule of Fees and Charges. The license fee will be due upon initial application and each subsequent year of renewal, and will not be prorated if purchased for less than a year.

D. Housing Requirements and Location; Number Restricted.

1. Type of Houses: All bee colonies shall be kept in Langstroth, Top Bar, or Warre type hives with removable frames, which shall be kept in sound and usable condition.
2. Materials -The materials used in making the bee colonies shall be uniform in construction.
3. Height: The height/length of any one hive shall not exceed six feet (6').
4. Number of Beehives:
 - a. No more than two (2) beehives shall be placed or kept on a lot of 8000 square feet or less.
 - b. If a lot is more than 8000 square feet, no more than two (2) beehives shall be placed or kept in a location which is between fifty feet (50') and four hundred feet (400') from a house or other building located on developed property, other than the residence of the keeper of such bees.
5. Location: No hive, stand or apiary shall be placed or kept:
 - a. On any part of the property that is considered frontage, unless at least one hundred feet (100') from the road, sidewalk or property line.

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- b. Closer than twenty five feet (25') to the property line of any adjoining developed property; or
 - c. Closer than fifty feet (50') to any house or other building located on developed property other than the residence of the keeper of such bees; or
 - d. Closer than fifty feet (50') to the nearest edge of a public street or sidewalk.
 - e. Any beehives kept on land not owned or possessed by the keeper of such bees must first obtain written permission to do so from the owner or person lawfully in possession of such land. Such permission may be revoked at any time.
 - f. Hives shall not be placed closer than 50 feet from any tethered or caged animal.
 - g. The bee entrance to the hives shall be pointed away from sidewalks, neighboring residences, pets or places where people may gather.
6. Required Watering Facility: Fresh, clean watering facilities for the bees shall be provided within twenty feet (20') of each hive, stand, box or apiary.
- E. Barrier.
- Any owner of a beehive maintained within 50 feet (50') of a property line in accordance with the provisions of this Section shall establish and maintain a flyway barrier six feet (6') in height consisting of a solid wall, solid fence or combination thereof that is parallel to the property line and extends 6 feet (6') beyond the hive or apiary so that all bees are forced to fly at an elevation of at least six feet (6') above ground level over the property lines in the vicinity of the apiary.
- F. Future Development of Adjacent Property.
- In the event that any adjacent undeveloped property is developed, or residential structures are constructed closer than the distances herein prescribed, the keeper shall move or, if necessary, remove such hives, stands, boxes or apiaries to comply with these regulations.
- G. Sign Requirements on Property Other Than Owner's.
- Every person owning a hive, stand, box or apiary located on premises other than where he resides shall identify such hive, stand, box or apiary with the name, address and phone number of the owner.
- H. Exemptions
- Nothing in this article shall be deemed or construed to prohibit the keeping of bees within a school, college, or university building for the purposes of study or observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.
- I. Unlawful acts.
- Notwithstanding compliance with various requirements of this section or other requirements or regulations of the City, it shall be unlawful for any person or entity to keep, harbor or allow any hive or hives in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life or interfere with the normal use and enjoyment of any public property or private property of others.
- J. Violation.

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As provided in Section 5-33, any person who fails to adhere to or otherwise violates this Section is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this section shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 3. Ordinance 9105 is hereby amended to include a \$10 dollar per property fee for beekeeping as described in Chapter 5 of City Code.

SECTION 4. It is the intention of the City Council, and is it hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri.

SECTION 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 7. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*