

Legislation Text

File #: BILL NO. 21-104, **Version:** 1

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.
(CEDC 4/21/21)

Issue/Request:

Staff has drafted new standards associated with beekeeping and the CEDC has unanimously recommended approval of the attached ordinance updating beekeeping standards on April 21, 2021. This ordinance has been modified since the date of the CEDC meeting to incorporate the enforcement powers that are already in the City Code regarding animal regulations.

Proposed Council Motion:

First Motion: I move for the second reading of 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.

Second Motion: I move for adoption of 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.

Background:

Lee's Summit's existing regulations on beekeeping are brief and restrictive with respect to some other communities in the metro. The current standards are as follows,

"It shall be unlawful to keep or harbor any bees in the City except in agricultural areas and four hundred (400) feet from inhabitants other than the owners thereof. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance. It shall be unlawful to keep or maintain any hive in the City except in areas four hundred (400) feet from inhabitants other than the owners thereof."

The dual restriction of a 400 foot buffer coupled with the agricultural areas precludes any sort of urban colony. In contrast, Overland Park's standard requires that a colony be no closer than 25 feet to a residential property line or 75 feet to the nearest residence. The Overland Park, Prairie Village, Olathe and Independence ordinances are attached to the packet for reference.

Staff has discussed with the CEDC the pros and cons of urban colonies while highlighting the regulatory approach from other communities.

Staff held a stakeholder meeting on April 5, 2021 and a summary is below.

Bee Ordinance Public Meeting - April 5, 2021, 6pm

- There were 12 members of the public in attendance.
- Question was raised about the requirement for a fly-over when someone has a large piece of property. Staff said the ordinance could be crafted to take into account property size.
- A resident who lives outside the City was concerned about the encroachment of development. Staff explained that if the ordinance passed she would have the right to maintain existing hives.
- A concern was raised about the five foot height limit. Best practices for wintering of bees and collecting honey would lead to hives taller than five feet. Staff agreed to look at a taller height limit.
- A question was raised about the definition of development and proximity to parks and walking paths. Staff agreed that separation should be maintained from recreational amenities.
- Beekeepers were concerned about the timing of a possible ordinance adoption sometime in May. Any further delay would preclude this season as bees are being order now for deployment in May/June.
- Points were raised about the need for education related to fear of being stung
- The requirement for a sign with info about the hive owner on non-owner maintained hives. Staff thought the licensing requirement may fulfill the need for contact info instead of a large sign.
- Questions about reduced separation requirements and if monitoring would be required. Staff communicated that the reduced separation would allow hives in residential areas and the ordinance as drafted would not require monitoring by a professional.
- The meeting concluded at 7:30pm.

At their April 14, 2021 meeting the CEDC did unanimously recommend approval of the ordinance adopting new standards associated with beekeeping.

After the April 14, 2021 CEDC meeting, the ordinance was revised in the following respects:

- (1) definitions have been added to City Code Section 5-2 to enhance the new regulations in City Code Section 5-7, and
- (2) “bees” are added to the definition of “Animal” in City Code Section 5-2.

Adding “bees” to the definition of “animal” taps into an existing package of regulations that are already in Chapter 5 with respect to the regulation of animals. These include:

- It is unlawful to harbor animals that become a public nuisance (5-3).
- The place where animals are kept must be clean (5.4).
- Supervisor of Animal Control can determine is the keeping of animals has become a threat to humans or domestic animals (5.5.B).
- A hearing may be held before the Chief of Police for enforcement action regarding animals (5.5.D).
- Dangerous animals may be impounded (5-8) and City may charge fees for impounding (5-9).
- The Supervisor of Animal Control can go on property where an animal is kept to inspect the conditions (5-31).

An amendment to the Schedule of Fees and Charges to add the fee that is required by the new regulations is also included in this ordinance. The remainder of the Code amendments are substantially identical to what was reviewed by the CEDC.

Rodney Wagner, Animal Control
Joshua Johnson, Development Services