

TOWN OF MEAD, COLORADO
ORDINANCE NO. 727

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
CHAPTER 7 OF THE *MEAD MUNICIPAL CODE*, BY THE ADDITION
OF A NEW ARTICLE VIII, INSECTS-BEES.**

WHEREAS, honeybees are of benefit to mankind by providing agriculture, fruit and garden pollination services and by furnishing honey, wax, and other useful products; and

WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and nonaggressive behavior, characteristics that are desirable to foster and maintain; and

WHEREAS, gentle strains of honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed and maintained; and

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Chapter 7 of the *Mead Municipal Code* is hereby amended by the addition of a new Article VIII to read as follows:

“ARTICLE VIII

Insects - Bees

Sec. 7-8-10. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Apiary means a place where bee colonies are kept.

Bee means any stage of the common domestic honey bee, *apis mellifera* species.

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

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

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means any idle land that is not improved or actually in the process

of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use or occupancy, and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Sec. 7-8-20. Certain conduct declared unlawful.

(1) The general purpose of this Article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(2) Notwithstanding compliance with the various requirements of this Article, it shall be unlawful for any beekeeper to keep any colony or colonies 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 of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. 7-8-30. Hives.

All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and usable condition.

Sec. 7-8-40. Fencing of flyways.

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. It is a defense to prosecution under this Section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

Sec. 7-8-40. Water.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.

Sec. 7-8-50. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage

robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. 7-8-60. 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 to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

Sec. 7-8-70. Colony densities.

(1) It shall be unlawful to keep more than the following number of colonies on any tract within the City, based upon the size or configuration of the tract on which the apiary is situated:

- (a) One-quarter ($\frac{1}{4}$) acre or less tract size - two (2) colonies;
- (b) More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract size - four (4) colonies;
- (c) More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract size - six (6) colonies;
- (d) One (1) acre or larger tract size - eight (8) colonies; and
- (e) Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

(2) For each two (2) colonies authorized under colony densities, Subsection (1) above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths ($9 \frac{5}{8}$) inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

Sec. 7-8-80. Marking hives, presumption of beekeeping.

(1) In apiaries, the name and telephone number of the beekeeper shall be branded, painted or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this Subsection that a colony is kept on the same tract

upon which the owner resides.

(2) Unless marked in accordance with Subsection (1), it shall be presumed for purposes of this Article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

Sec. 7-8-90. Inspection.

The Town shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he or she resides at the apiary or if his or her name is marked on the hives.

Sec. 7-8-100. Declaration of nuisance.

The keeping by any person of bee colonies in the Town not in strict compliance with this Article is declared to be a menace to the health and safety of the residents of the Town and is hereby declared to be a nuisance and is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the Town and is hereby declared to be a nuisance and is prohibited. Any bee colonies kept in the Town not in compliance with this Article or otherwise declared to be a nuisance pursuant to this Section may be summarily destroyed or removed from the Town by the Town staff. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

Sec. 7-8-110. Enforcement.

The Town Manager shall be charged with enforcement of this Article.”

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.


Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 10th DAY OF June , 2013.

ATTEST:

By 
Linda Blackston, CMC, Town Clerk

TOWN OF MEAD

By 
Kim Heard, Mayor Pro Tem

