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ORDINANCE NO. 1123

AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER II OF THE HORTON MUNICIPAL CODE BY ADDING SECTION 2-302 RELATIVE TO THE KEEPING OF BEES WITHIN THE CITY LIMITS OF THE CITY OF HORTON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS:

Section 1. Section 2-302 is hereby added to the Horton Municipal Code as follows:

**“2-302 KEEPING OF BEES.**

**A. Purpose and Application.**

It is the intent of these regulations to maintain minimum standards for the keeping of bees within the corporate limits of the City and promote the social benefits of beekeeping and as a local food supply. These regulations shall apply to those persons or entities who presently possess beehives or who intend to possess beehives in the future.

**B. Definitions.**

**Apiary** shall mean a place where bee colonies are kept.

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

**Beekeeping** shall mean a person who owns or has charge of one or more colonies of bees.

**Colony** shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

**Hive** shall mean a structure intended for the housing of a bee colony.

**Tract** shall mean a contiguous parcel of land under common ownership.

**C. 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 these regulations.

**D. Permit Required.**

Any person keeping hives, stands, boxes or apiaries shall be required to obtain an annual \$10.00 permit from the City. The permit shall be valid from January 1 through December 31 of each year and payment for the same shall be due upon initial application and each subsequent year of renewal.

**E. Housing Requirements and Location: Number Restricted.**

1. Type of Houses: All bee colonies shall be kept in Langstroth-type hive with removable frames which are kept in sound and usable condition.

2. Height: The height of any one hive shall not exceed five feet.

3. Location: No hive, stand or apiary shall be placed or kept:

a. Closer than 30 feet to the property line of any adjoining developed property; or

b. Closer than 50 feet to any house or other building located on developed property other than the residence of the keeper of such bees; or

c. Closer than 100 feet to the nearest edge of the traveled portion of a public street or the trail system,

d. Within a front yard, or

e. Upon land not owned or possessed by the keeper of such bees without first obtaining written permission to do so from the owner or person lawfully in possession of such land. Such permission may be revoked at any time.

4. Number of Beehives: It shall be unlawful to keep more than two colonies per each 12,000 square feet tract of land.

5. Future Development of Adjacent Property: In the event that any adjacent undeveloped property is developed, or residential structures are constructed closer than the distance herein prescribed, the keeper shall move or, if necessary, remove the hives, stand, boxes or apiaries to comply with these regulations.

6. Sign Requirements on Property Other than Owner's.

Every person owning a hive, stand, box or apiary located on premises other than where the owner resides shall identify such hive, stand, box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address and phone number of the owner of such equipment.

7. Screening of Flyways.

Any owner of a beehive maintained in accordance with these regulations shall establish and maintain a flyway six feet in height consisting of a solid wall, fence or dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

8. Required Watering Facility.

Fresh, clean watering facilities for the bees shall be provided within 20 feet of each hive, stand, box or apiary.

9. Maintenance.

Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition 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. In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

10. Violation and Penalty.

The keeping of bees in violation of this section is prohibited and any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$500, or be imprisoned not to exceed thirty months, or be both so fined and imprisoned.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance be and are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 27 day of August, 2012.

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MAYOR

ATTEST:

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CITY CLERK