

Ordinance No. 177

AN ORDINANCE TO AMEND THE CITY OF CHELSEA CODE OF ORDINANCES TO ALLOW FOR BEEKEEPING WITHIN THE CITY OF CHELSEA.

THE CITY OF CHELSEA ORDAINS:

That the City of Chelsea Code of Ordinances, Chapter 4 Animals, is hereby amended as follows:

1. Remove Article I. In General, Section 4-1 Keeping of bees prohibited, Section 4-2 Violation a municipal civil infraction, and Sections 4-3 through 4-22 Reserved, in their entirety. Replace with new Article I. In General, Section 4-1 through 4-22 Reserved.
2. Add a new article, to be called Article III. Beekeeping, which said article reads as follows:

ARTICLE III. Beekeeping

Section 4-34. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

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

Honey bee means all life stages of the common domestic honey bee, *Apis Mellifera* species.

Nucleus Colony means a small colony with a queen that contains less than 10 frames.

Tract means a contiguous parcel of land under common ownership.

Section 4-35. Purpose.

The 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.

Section 4-36. Other beekeeping unlawful.

Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies of bees and the beekeeper and/or property owner may be cited for a civil infraction pursuant to section 4-46 of this article.

Section 4-37. Permit Required.

Any person who wishes to keep bees in the city shall obtain a permit from the city prior to acquiring the bees or constructing the bee hive and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is single-family or two-family. Permits shall expire after three (3) years unless renewed before their expiration. A permit constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.

Section 4-38. Private restrictions still apply.

Private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions and covenant deeds. A permit

issued to a person whose property is subject to private restrictions that prohibit the keeping of bees is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Section 4-39. Hive Type.

All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

Section 4-40. Flyways.

In each instance in which any colony is situated within 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 6 feet in the height consisting of a solid wall, fence, 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 6 feet above ground level over the property lines in the vicinity of the apiary.

Section 4-41. Water.

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

Section 4-42. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials 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.

Section 4-43. Queens.

In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

1. Section 4-44. Colony density and posting.

The maximum number of hives permitted per property shall be as follows:

- a. Two (2) hives plus 1 nucleus colony for properties with a lot that is not greater than 11,000 square feet in area.
- b. Four (4) hives for properties with a lot area of greater than 11,000 square feet and not greater than 22,000 square feet in area.
- c. Five (5) hives for properties with a lot area of greater than 22,000 square feet and not greater than 43,450 square feet in area.
- d. Eight (8) hives for properties with a lot area of greater than 43,450 square feet (1 acre) in area.
- e. One additional hive is allowed for each additional acre of land.

(b) The beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(c) Unless marked in accordance with subsection (b), it shall be presumed for the 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.

Section 4-45. Michigan law.

The beekeeper shall fully comply with all State of Michigan Apiary Laws, MCLS 286.801 et al., including future revisions to Michigan Apiary Law.

Section 4-46. Compliance.

(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the police department shall cause an investigation to be conducted. If he/she finds that grounds exist to believe that one or more violations have occurred, he/she shall issue a civil infraction to the beekeepers.

(b) A civil infraction citation may be issued to the beekeepers once a day until such time as the bees are relocated, destroyed, removed, or the problem is corrected.

(c) If, after a civil infraction is issued and the beekeeper does not cause the violation to be corrected in a prompt manner, the city may, at its discretion, revoke the beekeeper's permit and cause the colony or colonies to be removed, relocated or destroyed.

(d) The provisions of this section shall not prevent the city from removing, relocating or destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. Such circumstances include, but are not limited to:

- (1) A bee colony not residing in a hive structure intended for beekeeping;
- (2) A dangerous swarm of bees that poses an immediate risk to the safety of humans; or
- (3) A colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

CERTIFICATION

The upon motion made by Pacheco and seconded by Hammer said ordinance was adopted on the following vote:

AYES 6
NAYS 0
ABSENT 1

It is hereby certified that the foregoing Ordinance was adopted by the City Council of the City of Chelsea, Washtenaw County, Michigan, at a meeting of the Council duly called held on the 5th day of July, 2016.

CITY OF CHELSEA

BY: 

Laura Kaiser, Clerk

FIRST READING: 06/06/16
SECOND READING: 06/20/16
THIRD READING AND ADOPTION: 07/05/16
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