

ORDINANCE NO. 17-02

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10, CREATING CHAPTER 14-6.5: ANIMALS AND FOWL: ALLOWING AND REGULATING BEEKEEPING IN SOUTH OGDEN CITY; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

WHEREAS, SOUTH OGDEN City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Zoning Regulations within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at **Title 10, Chapter 14, Section 6**, deals with certain zoning regulations, procedures, and other development issues within certain zones of the city, having to do with the keeping of animals and fowl within the city, and that certain additions or changes should be made, based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10 to provide guidance and regulation for beekeeping within the City by the creation of section 6.5, thereto; and,

WHEREAS, the City Council finds it is in the public interest to manage and regulate the procedures governing these zoning regulations, procedures, and other issues for beekeeping within the City; and,

WHEREAS, the City Council finds that the requirements and provisions herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that these changes to the City Code are adopted as set out below:

Section 10-14-6.5: ANIMALS AND FOWL: ALLOWING AND REGULATING BEEKEEPING IN SOUTH OGDEN CITY is created, adopted and promulgated as set out in Attachment "A", incorporated fully by this reference.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance be held or deemed or shall be invalid, inoperative or unenforceable such reason will not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance will be effective on the 17th day of January, 2017, and after publication or posting as required by law.

DATED this 17th day of January, 2017

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 17-02

An Ordinance Of South Ogden City, Utah, Revising And Amending Title 10, Creating Chapter 14-6.5:
Animals And Fowl: Allowing And Regulating Beekeeping In South Ogden City; Making Necessary
Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For
Those Changes.

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[Attachment To Be Provided By City Planner]

1.0 Definitions

APIARY: Any place where one (1) or more colonies of bees are located.

APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax or hives.

BEE: The common honey bee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING: To hold a colony of bees in a hive for the purpose of pollination, honey production, study or similar purpose.

COLONY: Bees in any hive including queens, workers, or drones.

FLYWAY BARRIER: A solid fence or hedge used in beekeeping, at least six feet (6') in height extending ten feet (10') from the hive in each direction. It is used to force bees to fly at least six feet (6') above ground over neighboring property lines.

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

2.0 Beekeeping in Residential Zones:

An apiary, consisting of not more than two (2) hive or an equivalent capacity, may be maintained in a rear yard (or side yard) of any residential lot. If a lot is one-half (0.5) acres or larger, the number of hives located on the lot may be increased up to four (4) hives.

1. Additional requirements:
 - a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
2. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
3. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
4. Hives shall be placed at least ten (10) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive.
5. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
6. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
7. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located between ten feet (10') and fifteen feet (15') from any property line, a flyway barrier shall be established and maintained around the hive except as needed to allow access.

8. On all lots, if the apiary is located in an area that borders a public walk or street, the area shall be separated from the public walk or street by a fence or wall.
9. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
10. Each beekeeper shall ensure that no bee comb or other apiary equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
11. Each beekeeper shall comply with all State laws and regulations pertaining to beekeeping.
12. Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.
13. In the event of a conflict between any regulation set forth in this chapter and bee management regulations adopted by the Weber County Health Department, the most restrictive regulations shall apply.
14. The on-site sale of honey or other products obtained through beekeeping operations shall be limited to a period of two (2) consecutive weeks each year and limited to honey produced on site.