

ORDINANCE NO. 1132

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO ADD THE DEFINITIONS OF APIARY, BEEKEEPER, BEEKEEPING, HIVE AND HONEYBEE AND TO REVISE THE DEFINITION OF URBAN AGRICULTURE AND BY AMENDING SUBSECTION 7.1.11 TO ALLOW AN APIARY SUBJECT TO CERTAIN TERMS AND CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey desires to promote sustainable uses within the City of Hailey, such as the production of honey;

WHEREAS, the Hailey City Council has found that the following amendments to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the new definitions to be placed in alphabetical order, as follows:

Apiary: Any place where one or more colonies of Honeybees are located and the Honeybees are kept within Hive(s).

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

Beekeeping: The occupation of owning and breeding Honeybees for their honey.

Hive: A frame hive, including a Langstroth hive, which has removable frames.

Honeybee: The common honeybee. *Apis mellifera L.*, at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutellata*. Honeybees include queens, workers and drones.

Section 2. The definition of Urban Agriculture found in Section 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the underlined language, as follows:

Urban Agriculture. The production of vegetables, fruits, honey, and eggs by residents for personal consumption and may include production by members of a neighborhood or by a non-profit organization on one or more vacant lots for personal consumption.

Section 3. Section 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of a new subsection 7.1.11, as follows:

7.1.11 KEEPING OF BEEHIVES:

a. Beekkeeping allowed. No Beekeeper or Owner of real property with an Apiary shall place, keep or allow any Apiary in or upon any parcel of real property located within the City unless such Apiary conforms to the standards and conditions of this subsection 7.1.11.

b. Beekkeeping Standards and Conditions. All Apiaries kept within the City shall conform to the following standards and conditions:

1. An Apiary is prohibited on a lot or contiguous lots owned by one Owner smaller than 8,000 square feet in area.
2. An Apiary shall consist of no more than two (2) Hives on Lot(s) that are 8,000 – 11,999 square feet in area, three (3) Hives on Lot(s) that are 12,000 to 21,779 square feet in area, and five (5) Hives on Lot(s) that are one-half acre or more in area.
3. Any Apiary shall be maintained only in a side yard or rear yard of a Lot or may be maintained on rooftops.
4. Honeybees shall be kept in Hives with removable frames and shall be kept in sound and usable condition.
5. Hives shall be placed no less than seven feet (7') from any property owned by a person or entity other than the Owner of the real property with the Apiary.
6. Hives shall not be placed within thirty feet (30') of any dwelling unless the owner of such dwelling has given written consent for Hive placement. In the event a dwelling on an adjacent property is constructed after the establishment of an Apiary and the Apiary is within thirty feet (30') of the new constructed dwelling, the Beekeeper shall obtain the written consent for the Hive placement. If written consent cannot be obtained, the Hive(s) shall not be located within thirty feet (30') feet of the dwelling or shall be immediately removed.
7. If any Hive is located within thirty feet (30') of a property owned by a person or entity other than the Owner of the real property with the Apiary, a fence, closed hedge, building or other impervious barrier no less than six feet (6') high and twenty feet (20') in length shall be located between the hive and the adjacent property line. The Hive shall be located in the approximate mid-point of the twenty foot (20') long barrier. All fences must comply with section 8.1 of this ordinance.
8. Hives kept on rooftops are exempt from the requirements of subsections 7.1.11(D)(6) and 7.1.11(D)(7) of this ordinance but shall not be visible from view from a public street, excluding alleys.
9. A fresh water supply shall be maintained at all times, except during winter months when the bees are hibernating, within twenty five feet (25') of the Apiary on the

real property with the Apiary in order to prevent the bees from congregating at neighboring water sources.

10. No species or subspecies of bee shall kept in the Apiary other than *Apis mellifera*.
11. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
12. If a colony within the Apiary exhibits aggressive behavior or when the colony includes Africanized bees, such as *Apis mellifera scutella*, the Beekeeper or Owner of the real property with the Apiary shall promptly remove or re-queen the colony.
13. All Hives shall have a legible identification label securely fastened thereupon bearing the name and telephone number of the Beekeeper who owns the Hive.
14. All Apiaries shall comply with the Idaho State Bee Inspection law and other applicable state laws.
15. All Apiaries are subject to inspection at any time by the Administrator or his or her designee to ensure compliance with the standards of this subsection. The Owner of real property with an Apiary is deemed to have given consent to an inspection by the Administrator or his or her designee for the purpose of ensuring compliance with this subsection. If consent is not given to inspect any Apiary or if the Apiary does not comply with the requirements and standards set forth herein, the Hive(s) within the Apiary may be considered a nuisance and may be considered an immediate health hazard constituting exigent circumstances allowing for the immediate removal of the Hive(s) in accordance with Chapter 8.04 of the Hailey Municipal Code. In addition, for any noncompliance with the requirements and standards set forth herein, the City may pursue enforcement under Article XV of this Ordinance.

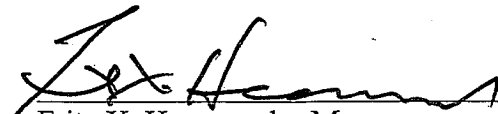
Section 4. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 16th DAY OF September, 2013.

16th
MHA


Fritz X. Haemmerle, Mayor

Attest:


Mary Cone, City Clerk

