



City of
Blue Earth

**CITY OF BLUE EARTH
AGENDA
CITY COUNCIL WORKSESSION
MONDAY, NOVEMBER 16, 2020 @ 4:30 P.M.**

- 1. Call to Order.**
- 2. Roll call.**
- 3. Old Business.**
 - a) Honeybees Ordinance.
 - b) Main Street Parking.
- 4. New Business.**
- 5. Adjourn.**

By Order of the Blue Earth City Council

Post @ City Hall-Friday, November 13, 2020 through Monday, November 16, 2020
Distribute to Mayor & Council members-Media & file

ORDINANCE NO. 2020-_____

CITY OF BLUE EARTH

**AN ORDINANCE AMENDING SUBSECTION 360.15, SUBD. 3
REGULATING CHICKENS AND CREATING
SUBSECTION 360.16 REGULATING URBAN HONEYBEES**

The City Council of the City of Blue Earth does ordain:

SECTION I.

That Subsection 360.15, Subd. 3 is hereby amended to state as follows:

Subd. 3. Permit Required. No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City. The City shall grant a permit for chicken hens after the applicant has sought the written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

No permit fee shall be required for the harboring of chickens that qualify as “emotional” or “medical” support chickens under federal law with proper documentation of the need for such animals and, in such cases, the permit holder shall not be required to have the written consent of the neighboring property owners.

SECTION II.

That a new Subsection 360.16 of the Blue Earth City Code is hereby adopted, stating as follows:

360.16. Urban Honeybees.

Subd. 1. Definitions.

A. Apiary means any place or location where one or more colonies or nuclei of honeybees are kept.

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

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

D. Colony means an aggregate of honeybees consisting principally of workers but having, when perfect one queen and at times drones, brood, combs, and honey.

E. Hive means a structure manufactured to house a colony, including a hive stand, a bottom board, the hive body, frames/combs, queen excluder (optional), inner cover, and outer cover. One HIVE houses one swarm consisting of one queen and worker honeybees.

F. Honeybee means any stage of the common honeybee, *apis mellifera* species of European origin.

G. Lot means a portion of a subdivision or other parcel of land intended for building development or for transfer of.

Subd. 2. Limitations for each single dwelling residential unit

(A) No more than two (2) hives shall be housed or kept on any one (1) residential lot in any area of the city with a permit as outlined below.

(B) No colony or hive shall be kept or maintained within any front yard. In the case of a corner lot, no colony or hive shall be kept or maintained within the yard abutting an existing or dedicated public street.

(C) No person shall establish or maintain any hive or colony within 50 feet of any occupied dwelling, except the dwelling of the owner of the subject property.

(D) Hives shall be at least 15 feet from any property line, sidewalk, alley, or public way, as measured from the nearest point on the hive to the property line, sidewalk, alley, or other public right of way.

(E) Only honeybee species which are viable in northern climates according to the Department of Entomology at the University of Minnesota shall be allowed.

(F) Beekeepers shall own and reside at the property upon which said honeybees are kept.

(G) Persons no longer intending to keep honeybees on the subject property shall notify the city in writing and remove the operation.

Subd. 3. Beekeeping Permit Required. No person shall own, keep, harbor or have custody of any live honeybees without first obtaining a permit in writing from the City. The completed application must be filed with the City Administrator and/or designee together with the permit fee 30 days prior to the scheduled City Council meeting date. The City Administrator and/or designee shall review the application and refer the application to the City Council. The city shall send written notice of the Council meeting to residents within 350 feet from the applicant's property. The City Council shall hold a public comment period and make the final decision on the application at a regularly scheduled meeting.

Subd. 4. Application for Beekeeping Permit. Any person desiring a permit required under the provisions of this article shall make written application to the city administrator upon a form prescribed by and containing such information as required by the city administrator and officer. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the honeybees.

(B) A site plan of the property showing the location and size of the proposed hive(s), and the setbacks from the hive(s) to property lines and surrounding buildings (including houses and buildings on adjacent lots), must be included with the site plan.

(C) Statements that the applicant will at all times keep the honeybees in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.

(D) Notice in writing of any childcare businesses or schools within 350 feet of the applicant property.

Subd. 5. Beekeeping Permit Conditions.

(A) If granted, the permit shall be issued by the city administrator and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of honeybees under this permit.

(B) The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such honeybees.

(C) The granting of a permit under this Subsection does not entitle the permit holder to any other rights as may be granted to farmers or commercial entities relating to equipment used in the course of conducting animal husbandry business.

Subd. 6. Investigation and Enforcement. Officers designated by the City Council shall have authority in the investigation and enforcement this subsection, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny or refuse to renew any application for permit, or terminate an existing permit under this article.

Subd. 7. Fees/Issuance. For each residential site the fee for a permit is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time.

Subd. 8. Term. The permit period under this section shall expire one (1) year from the date the permit is issued. Permits must be renewed on an annual basis.

Subd. 9. Revocation. The city may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all honeybees being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

Subd. 10. Violations/Penalty.

(A) Any person violating any of the sections of this ordinance shall be deemed guilty of a petty misdemeanor.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of honeybees shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(C) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of honeybees.

SECTION III.

This Ordinance becomes effective from and after its passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUE EARTH
ON THIS ____ DAY OF _____, 2020.**

BY:

ATTEST:

Richard Scholtes
Mayor

Mary Kennedy
City Administrator

Seal