

**City of St. Charles
Ordinance No. 2017-M-**

**An Ordinance Amending Title 6 of the St. Charles Municipal Code, Entitled
“Animals”, Chapter 6.04 “Definitions” by adding Section 6.04.055
“Beekeeping” and Chapter 6.12 “Regulations”, by adding Section 6.12.085
“Beekeeping”**

WHEREAS, the City of St. Charles is a Home Rule Municipality duly organized and existing pursuant to the Illinois Constitution of 1970 and the Laws of the State of Illinois; and,

WHEREAS, the City Council of the City of St. Charles has found that honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, honey bees are a benefit to mankind by providing agriculture, fruit, garden pollination services and by furnishing honey, wax and other useful products; and

WHEREAS, passage of this Ordinance is in the best interest of the health, safety and welfare of the citizens of the City of St. Charles.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION ONE: That Title 6 “Animals”, Chapter 6.04 “Definitions” of the St. Charles Municipal Code, be and is hereby amended by adding Section 6.04.055 “Beekeeping” to read as follows:

“6.04.055 – Beekeeping: The maintenance of honeybee colonies, for any purpose including, but not limited to, the collection of honey and other products that hives produce or as a hobby.”

Section Two: That Title 6 “Animals”, Chapter 6.12 “Regulations”, of the St Charles Municipal Code by and is hereby amended by adding section 6.12.085 “Beekeeping” to read as follows:

DEFINITIONS: As used in this Section:

“Apiary” shall mean a place where bee colonies are kept.

“Bee” shall mean any stage of the common domestic honey bee.

“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.

Hives:

All bee colonies must be kept in inspectable type hives with removable combs, which must be kept in sound and usable condition.

Annual Licensing:

Beekeepers shall apply for a City Beekeeping License upon bringing any colony into the City. For bee colonies existing within the City prior to the effective date of this Section, beekeepers shall have 30 days from the date this Section goes into effect to apply for a City Beekeeping License. Existing hives may receive a Conditional License and will not be required to install fencing or complete training for an additional 60 days after submittal of application. Applications must be submitted to the City of St. Charles Building and Code Enforcement Division Manager and/or designee. At the time of application for a City Beekeeping License, the applicant shall:

1. Submit proof of registration of the colonies with the state of Illinois Department of Agriculture; and
2. Submit a scaled site plan of the proposed Apiary showing placement of the beehive(s), the flyway barrier and fences and compliance with all applicable requirements outlined in this Section; and
3. Provide a Certificate of Insurance from property owner’s homeowner’s insurance company verifying that Beekeeping is covered by the insurance policy covering the property where the Apiary is located; and
4. Submit a written affidavit stating that all neighbors on residential properties that abut the proposed location of beekeeping have been notified, in a form provided by the City of St. Charles. Notification is not required for renewals; and
5. Submit a properly executed hold harmless agreement between the applicant and the City of St. Charles, waiving any liability for any loss or injury resulting from the design, construction or operation of the Apiary, in lieu of any zoning or building permits that may be associated with the construction of an Apiary; and
6. Provide a Certificate of Completion or similar documentation, from Beekeeping training course provided by an entity approved by the City of St. Charles. The City of St. Charles Building and Code Enforcement Division shall maintain a list of approved courses. In the event training is not available, the applicant may submit evidence of such and request an extension from the City of St. Charles Building and Code Enforcement Division Manager and/or designee.
7. Be in compliance with the other requirements of this Section; and
8. Pay a sixty-five dollar (\$65.00) nonrefundable application fee.

The City Beekeeping License shall be renewed each year by submitting a renewal application to the City of St. Charles Building and Code Enforcement Division Manager no more than two (2) weeks prior to the one (1) year anniversary date of the then current City Beekeeping License. At the time of applying for a renewal City Beekeeping License, the applicant shall submit an application and a site plan along with a

renewed certificate of insurance that will comply with the same requirements, and shall pay the sum of twenty-five dollars (\$25.00) for each renewal year.

Fencing and Gates:

All hives shall be enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive. Solid six (6) foot high fencing shall be constructed enclosing the rear yard at the lot lines. For properties greater than an acre in lot area, the hives may be enclosed with a six (6) foot high solid fence at a distance no less than ten (10) foot from the hives. The fence posts shall be constructed of decay and corrosion resistant material. The entrance to the rear yard shall have a gate with a locked latch at least four (4) feet from the ground, which shall be closed at all times when the Beekeeper is not present.

Signage:

Beekeepers shall conspicuously post a weatherproof sign at least ten (10) inches by one (1) foot on all lot lines facing abutting properties and on the Beehive or Apiary fence outside of the latched gate with the statement, "State Registered Beehive(s) on Property" or similar language that makes clear that bees are on the premises. The sign must be visible and easily read from outside the property.

Water:

Each beekeeper shall ensure that a convenient source of water within ten (10) feet of the Beehive is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

Maintenance:

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

Prohibited:

The keeping by any person of bee colonies in the City not in compliance with this Section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful.

Qualified Property:

Beekeeping will be permitted only on qualified property. Qualified property shall be defined as properties within a residential zoning district which have a minimum square foot lot area of 1/2 acre or more of land. Only single family, owner occupied, residential lots can engage in Beekeeping.

Size and Number of Hives:

Apiaries may consist of not more than two (2) hives on a licensed property consisting of no more than six (6) boxes per hive.

Beehive Location:

Apiaries may only be located and maintained in residential districts with detached residences occupied by the Residence Owner Beekeeper.

- (a) Apiaries shall be located only in a rear yard.
- (b) Apiaries shall be located at least twenty-five (25) feet from all side and rear property lines.
- (c) Apiaries and Beehives shall not be permitted on rooftops or balconies.

Grandfathered Apiaries:

Any Apiary presently existing on a residential property within the City regardless of the lot size can be maintained so long as there is compliance with all of the requirements of this Chapter.

Nontransferability:

A Beekeeping Permit shall not be assigned or transferred to any other person, or to any other location. No refund shall be granted for any unexpired period of a Beekeeping Permit.

Violation; Fine:

Any person violating the provisions of this chapter shall be fined not less than fifty dollars (\$50.00) no more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed upon each and every day such violation continues.

Any person not in strict compliance with this Section shall be fined not less than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each and every day such violation continues. Additionally, any City Beekeeping License shall be mandatorily revoked and no new City Beekeeping License shall be issued to that person, or to any person living on the property where the apiary from which the violation(s) arose was located, for a minimum of one (1) year.

In the event a person is found guilty of a violation of any Section of this Chapter, his permit to own, keep or harbor or have custody of animals shall be mandatorily revoked, and no new permit shall be issued to that person for a minimum of one (1) year.

Revocation of Beekeeping Permit:

- (a) The Building and Code Enforcement Division Manager shall have the authority to revoke a Beekeeping Permit issued under this Section. The Building and Code Enforcement Division Manager shall have the authority to establish rules and regulations for the conduct of a hearing relating to the revocation of a Beekeeping Permit.
- (b) The Building and Code Enforcement Division Manager is hereby given the authority to revoke the Beekeeping permit if The Building and Code Enforcement Division Manager finds:
 - 1. The Beekeeper has not complied with applicable codes, ordinances, statutes, laws, policies or rules and regulations.
 - 2. The Beekeeper has made fraudulent, false or misrepresentative statements in the application for the permit.
 - 3. The Beekeeper owes the City fees, outstanding files or penalties.

- (c) Notice and Hearing. The Building and Code Enforcement Division Manager may revoke, suspend or take other action with respect to a Beekeeping Permit in accordance with the following procedures:
1. The Building and Code Enforcement Division Manager or designee shall send written notice of the intent to revoke a Beekeeping permit by First class US Mail or personal delivery, setting forth the reasons for revocation.
 2. The notice shall state the effective date of the revocation which shall be no longer than thirty (30) days from the date of the notice, and shall inform the Beekeeper of the right to submit in writing, within fifteen (15) days of the date of the notice, either: documentation to explain the past occurrences stated in the notice and to propose corrective action to eliminate the violations or request a hearing before The Building and Code Enforcement Division Manager.
 3. If The Building and Code Enforcement Division Manager accepts the corrective action proposed by the Beekeeping Permit holder, The Building and Code Enforcement Division Manager shall respond in writing, stating the conditions for continuing to hold the Beekeeping Permit, and retracting or deferring the notice of intent to revoke or suspend he Beekeeping Permit.
 4. If the Beekeeping Permit holder requests a hearing, The Building and Code Enforcement Division Manager shall schedule a hearing within thirty (30) days of the date of the original notice, at which hearing the Beekeeper and representative(s) from the City shall have the right to present any evidence and/or witnesses.
 5. The City's Administrative Adjudication Hearing Officer conducting the hearing shall render a written decision within seven (7) days of the hearing, which shall be sent to the Beekeeper by First Class US Mail or personal delivery.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties,

Illinois this ____ day of _____, 2017.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,

Illinois this ____ day of _____, 2017.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,

Illinois this ____ day of _____, 2017.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____