

**CITY OF CASTLE PINES, COLORADO
ORDINANCE 17-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, AMENDING CHAPTER 7 OF THE CASTLE PINES MUNICIPAL CODE
BY ADDING A NEW ARTICLE 8 ENTITLED "BEEKEEPING"**

WHEREAS, the City of Castle Pines is a municipal corporation duly organized and operating pursuant to the laws of the State of Colorado; and

WHEREAS, honeybees are of benefit to mankind by providing agricultural, fruit and garden pollination services, and by producing honey, wax and other useful products; and

WHEREAS, over one third of the food consumed is dependent on bees for pollination and with the loss of natural bee habitats continuing every year, our crops are suffering devastating consequences; and

WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics are desirable to foster and maintain; and

WHEREAS, the City of Castle Pines desires to allow beekeeping within populated areas in reasonable densities with careful management to promote the health, safety and welfare of the residents in the City of Castle Pines without causing nuisances; and

WHEREAS, the City of Castle Pines desires to establish certain requirements for sound beekeeping practices within the City's Municipal Code to define beekeeping and to allow bee keeping as a permitted use; and

WHEREAS, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy nuisance, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others; and

WHEREAS, the City of Castle Pines City Council considered the proposed ordinance at a duly noticed public meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. Chapter 7 of the Castle Pines Municipal Code is hereby amended to add a new Article 8 of Chapter 7, entitled "Beekeeping", to read in its entirety as follows:

CHAPTER 7

ARTICLE 8

Beekeeping

Sec. 7-8-10. Definitions

As used in this Article, unless otherwise noted, the following terms shall have the meanings indicated:

Beekeeping means the keeping of one or more colonies of honeybees on one's own private property i.e. lot.

Apiary means a place where a bee colony or colonies are kept.

Bee means any stage of the common domestic honeybee, *Apis Mellifera* species.

Beekeeper means a person who engages in the act of beekeeping.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Comb means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Hive means a structure intended for the housing of a bee colony with removable frames or combs, which shall be kept in sound and usable condition.

Lot means a unit of land designated on a recorded plat in the Office of the Douglas County Clerk and Recorder.

Sec. 7-8-20. Purpose. The purpose of this Article is to provide reasonable regulations to promote sound beekeeping practices within the City and to deter the creation of a nuisance that may be otherwise associated with the keeping of bees within the City.

Sec. 7-8-30. Beekeeping Regulations.

- (a) **Certification.** Prior to and as a condition of lawful keeping of bees within the City, a beekeeper shall provide to the City written proof of completion of a beekeeping class as approved by the Colorado State Beekeeper Association or similar training acceptable to the City Manager or designee.
- (b) **Lot size.** The minimum lot size for beekeeping shall be 5,000 square feet.
- (c) **Yard location.** Beekeeping shall occur only in rear yards of single family residential lots, subject to the requirements of this Article.
- (d) **Single Family Residential.** Beekeeping shall not be permitted on any multi-family lot or property including duplexes.
- (e) **Setbacks.** No colony shall be kept closer than 10 feet from any lot line.

(f) Flyways. The property owner on which beekeeping activities occur shall establish and maintain a flyway of at least six (6) feet in height and ten (10) feet in length consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the entrance of the hive so that all bees are forced to fly upward from the vicinity of the apiary.

(g) Number of Colonies. No more than two (2) colonies shall be allowed on any single family residential lot within the City.

(h) Queen bees. In any instance where a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation the neighbors, animals, and/or the general public nearby or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to re-queen the colony and to provide written evidence of the same to the Community Development Department upon request.

(i) General maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the lot where a hive is maintained. 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.

(j) Water source. Each beekeeper shall ensure and document that a convenient source of water is available at all times to the bees to help prevent bees congregating at swimming pools, bibcocks, pet water bowls, bird baths or water sources where they may cause human, bird or domestic pet contact.

(k) Inspections. A person who engages in beekeeping within the City consents to reasonable inspections of the lot on which the colonies are located between the hours of 8 a.m. and 5 p.m. by the Community Development Director or his or her designee charged with inspections. The City will provide, if practicable, prior notice of inspection.

Sec. 7-8-40. Declaration of Nuisance. Beekeeping within the City not in strict compliance with this Article shall be declared to be a nuisance, which may be enforced in accordance with Article 2 of Chapter 7. In addition, the following provisions shall apply:

(a) 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 excluding natural places (such as old trees or houses where bees may reside and/or have resided without harming anyone), which, by virtue of the hive's condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the City and is hereby declared to be a nuisance and is prohibited.

(b) Any bee colonies kept in the City not in compliance with this Article or otherwise declared to be a nuisance pursuant to this Section or pursuant to Article 2 of this Chapter may be abated, destroyed or removed from the City in accordance with Section 7-2-80 of this Chapter, the cost of which shall be borne by the beekeeper in accordance with Article 2 of this Chapter. In each instance in which a bee colony is removed or destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

Sec. 7-8-50. Violations; penalties; enforcement.

Any person violating the provisions of this Article shall be fined not less than \$75.00 for each offense, and a separate offense shall be deemed committed upon each and every day such violation continues. This remedy is in addition to any other remedies available at law or equity.

The Community Development Director or his or her designee shall be charged with enforcement of this Section.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 3. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Zoning Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

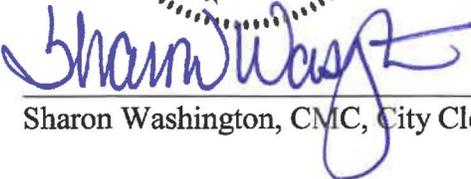
INTRODUCED, READ, AND PASSED ON FIRST READING, AT A NOTICED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of MARCH, 2017.

READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 11th DAY OF APRIL, 2017.

CITY OF CASTLE PINES:

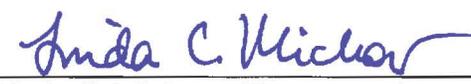


ATTEST:


Sharon Washington, CMC, City Clerk


Jeffrey T. Huff, Mayor

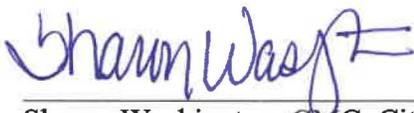
Approved as to form:


Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed Public Meeting of the Castle Pines City Council on March 14, 2017; published by reference by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on April 11, 2017 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on April 20, 2017.

ATTEST:



Sharon Washington, CMC, City Clerk