



CITY COUNCIL AGENDA MEMORANDUM

To: Mayor and City Council
 From: Charles Ozaki, City and County Manager
 Prepared by: Kevin Standbridge, Deputy City and County Manager
 David Shinneman, Director of Community Development
 Kirk Oglesby, Code Compliance Manager

Meeting Date		Agenda Category	Agenda Item #
March 10, 2015		Council Business	11 (b)
Agenda Title:	1. Public Hearing on Proposed Ordinance No. 2005, Amending Chapter 6-24 Relating to Beekeeping 2. Consideration of Ordinance No. 2005, Second and Final Reading		
Summary			
<ul style="list-style-type: none"> • Some Broomfield residents have expressed a desire to keep bees at their homes to provide a supply of honey and to support the honeybee population. • Beekeeping is currently prohibited in Broomfield under Section 6-24 of the Broomfield Municipal Code with the exception of some rural zoning districts. • An amendment of the code to add a new section allowing beekeeping and listing the conditions for beekeeping would allow this activity in many of Broomfield’s residential neighborhoods. • Many private covenants may prohibit the keeping of bees. Any amendment to the municipal code will not affect the enforceability of these covenants. Private covenants differ from neighborhood to neighborhood. While some have a homeowners association to enforce the covenants, other neighborhoods lack an association and the original private covenants are not enforced. The City and County does not enforce covenants. • Proposed changes to the municipal code under Section 6-24 to allow beekeeping in single-family residential areas include the following elements: <ol style="list-style-type: none"> 1. <i>Number</i> – ¼ acre or less: two hives / more than ¼ acre up to and including ½ acre: four hives / more than ½ acre but less than one acre: six hives / one acre or more: eight hives / unlimited if 200-foot setback or more from all property lines. 2. <i>Setbacks and location</i> – Hives must be setback a minimum of ten feet from all property lines and shall not be located in a front yard. 3. <i>Barrier</i> – If a hive is within 25 feet of a property line a flyway barrier at least six feet tall extending at least two feet beyond the hive shall be maintained between the hive and property line. A privacy fence a minimum of six feet in height, on or inside the property line, meets this requirement. 4. <i>Water</i> – A supply of fresh water shall be maintained on the lot in a location readily accessible to all bee colonies to keep bees from congregating at water sources on nearby properties. 5. <i>Africanized bees</i> – Africanized bees are prohibited. 6. <i>Queens</i> – If a colony becomes aggressive or swarms, the beekeeper shall re-queen the colony with a queen selected from stock bred for gentleness and non-swarming characteristics. 7. <i>Nuisance</i> – Any swarm or colony of bees not residing in a maintained hive structure is declared to be a nuisance. Any bee colonies not in compliance with this chapter or declared a nuisance may be destroyed or removed at the direction of the City and County Manager or his designee. 8. <i>License</i> – The keeping of bees shall require a license issued by the Department of Community Development in the amount of \$25. • These changes to the municipal code would allow beekeeping in single-family residential neighborhoods unless prohibited by private covenants. 			
Financial Considerations			
<ul style="list-style-type: none"> • Minimal financial impact is anticipated with inspection and Code Compliance enforcement. 			
Alternatives			
<ul style="list-style-type: none"> • Make no changes to the municipal code. 			
Prior Council Action			
<ul style="list-style-type: none"> • City Council discussed this item at study sessions on September 16, 2014, October 21, 2014, and January 20, 2015. • On February 10, 2015, City Council adopted the proposed ordinance on first reading with an amendment to clarify that a six foot fence on the property line meets the flyway barrier requirement. 			
Proposed Actions/Recommendations			
<ul style="list-style-type: none"> • Hold the public hearing. • If Council wishes to adopt the proposed ordinance it is recommended . . . 			
That Ordinance No. 2005 be adopted on second and final reading and ordered finally published in full.			

BACKGROUND

Some Broomfield residents have expressed a desire to keep bees at their homes to provide a supply of honey and to support the honeybee population. Beekeeping has become an emerging trend in the metropolitan area and several cities such as Arvada, Lafayette, Lakewood, Louisville, and Thornton have amended their regulations over the past few years to allow beekeeping.

At the September 16, 2014, study session, the City Council expressed interest in discussing possible requirements related to beekeeping. At the October 21, 2014, study session, the City Council directed staff to prepare a draft ordinance to allow beekeeping in Broomfield for review. During the January 20, 2015, study session, the City Council reviewed a draft ordinance to allow beekeeping in single-family residential areas and directed an ordinance be scheduled for first reading at a City Council regular meeting.

CURRENT MUNICIPAL CODE

Beekeeping is currently prohibited in Broomfield with the exception of some rural zoning districts. Broomfield Municipal Code Section 6-24-050(A) states as follows:

“It is unlawful to keep bees in any zone of the city, except agricultural zones, as a trade, profession, occupation, enterprise, operation, vocation, avocation, hobby, or activity.”

An amendment to the municipal code would add a new section allowing beekeeping and listing the conditions under which the keeping of bees would be permitted. However, not all neighborhoods would be affected. Many neighborhoods have private covenants prohibiting bees. Any amendment to the municipal code will not affect the enforceability of these covenants. Private covenants differ from neighborhood to neighborhood. While some have a homeowners association to enforce the covenants, other neighborhoods lack an association and the original private covenants are not enforced.

RESOURCES

A host of resources are available for the aspiring beekeeper. A small sample of the available web sites and contacts is included below. While this report focuses on the regulations associated with beekeeping, there is much information and knowledge necessary for successful beekeeping.

Backyard Hive	backyardhive.com
Colorado Beekeepers	coloradobeekeepers.org
Bee Safe Boulder	beesafeboulder.com
Bee Safe Neighborhoods	honeybeekeep.com
CSU Extension	ext.colostate.edu
Pollination Planet	pollinationplanet.org
Grow Smart Grow Safe	growsmartgrowsafe.org
Bee Culture	beeculture.com
American Beekeeping Federation	abfnet.org
Butterfly Pavilion	Amber Lynn Partridge, Entomologist Mgr.

The diagram shown below displays the required arrangement of a flyway barrier if the back yard is not enclosed by a six-foot fence or hedge. It also shows a hive stand and a water source.



OTHER ISSUES

During the discussion at the October 21, 2014, study session, several issues were raised requiring additional research and the collection of additional information was provided at the study session on January 20, 2015.

Insecticides – The use of certain insecticides can be harmful to honeybees. Many of the products used by homeowners to control insects on flowers and in gardens contain active ingredients toxic to bees. There are usually equally effective alternative insecticides available rated at a low hazard for bees. The “bee safe” approach provides information to neighbors and encourages the elimination of systemic pesticides and other toxic chemicals to create neighborhoods safe for bees. A good resource for researching the toxicity to honeybees of pesticide active ingredients can be found at the following website of Thurston County, Washington:

<http://www.co.thurston.wa.us/health/ehipm/insctrodntslug.html>

This site lists the active ingredients found in insecticides, rodenticides, and chemicals used in slug and snail control and rates each one. Toxicity to humans, other mammals, birds, bees, and aquatic life is also assessed.

This type of information is easily accessed and can be helpful when making decisions about which insecticides to use and in educating neighbors as a part of a “bee safe” approach.

Insecticides and Herbicides used by Broomfield – Many insecticides as noted above are a hazard to bees. Broomfield Public Works does not generally use insecticides except on a limited basis and only where absolutely necessary. If an insecticide is used, it is applied according to the label and most often at dawn before the bees are active. If a chemical is properly used, there should be no effect on non-target species. As a part of our overall parks maintenance operations, Public Works staff uses several herbicides to control weeds and other vegetation. While some of these herbicides may pose some risk to pets (signs are always posted warning of the use of these herbicides on Broomfield properties), the active ingredients in these herbicides do not pose significant risk to bees. All of these herbicides have a “low” rating for potential hazard for bee toxicity.

Community Gardens – Hives are not often placed in community gardens and are not addressed by most cities. Thornton is the only city with a code provision addressing this issue. Their provision states: “*When a hive is associated with a community garden, the beekeeper shall locate the hive such that it is surrounded on all sides by a fence to secure the hive from access by unauthorized persons.*”

Effective Date – A “phase-in” period is provided in the proposed ordinance. An effective date of 180 days following the final adoption of the ordinance allows time for interested homeowners associations to consider adjustment of their covenants in response to the adoption of beekeeping regulations by Broomfield.

ELEMENTS OF THE PROPOSED ORDINANCE

Proposed changes to the municipal code include the following elements in an amendment to Section 6-24, regarding beekeeping in Broomfield.

- (1) *Maximum number of hives per lot.*
 - (a) One-quarter acre or less: two hives;
 - (b) More than one-quarter acre up to and including one-half acre: four hives;
 - (c) More than one-half acre but less than one acre: six hives;
 - (d) One acre or larger: eight hives;
 - (e) Regardless of lot size, where all hives are situated at least 200 feet from all property lines of the lot on which the hives are located, there shall be no limit to the number of hives;
 - (f) For each two hives authorized above, there may be maintained upon the same lot one nucleus colony in a hive structure as required from time to time for management of swarms.
- (2) *Location:* Hives shall be set back a minimum of ten feet from all property lines and shall not be located in a front yard.
- (3) *Flyway barrier:* If a hive is within 25 feet of a property line a flyway barrier at least six feet tall extending at least two feet beyond the hive shall be maintained between the hive and property line. A privacy fence a minimum of six feet in height, on or inside the property line, meets this requirement.

(4) *Water*: A supply of fresh water shall be maintained on the lot in a location readily accessible to all bee colonies to keep bees from congregating at water sources on nearby properties.

(5) *Africanized bees*: Africanized bees are prohibited.

(6) *Queens*: If a colony becomes aggressive or swarms, the beekeeper shall requeen the colony with a queen selected from stock bred for gentleness and non-swarmer characteristics.

(7) *Nuisance*: Any swarm or colony of bees not residing in a maintained hive structure is declared a nuisance. Any bee colonies not in compliance with this chapter or declared a nuisance may be destroyed or removed at the direction of the City and County Manager or his designee.

(8) *License*: The keeping of bees shall require a license issued by the Department of Community Development. The fee shall be a one-time fee of \$25.00.

On February 10, 2015, City Council amended the proposed ordinance on first reading to clarify that a six foot fence on or inside the property line meets the requirement for a flyway barrier.

The approach to enforcement of beekeeping regulations would be similar to the backyard chicken regulations with the exception of inspections. No inspections are required for the keeping of chickens. Once a license is obtained for beekeeping an inspection would be required to make sure the hives are in compliance with the municipal code requirements. The Code Compliance Division and the Animal Services Unit of the Police Department would work cooperatively to enforce any new beekeeping provisions of the municipal code.

ORDINANCE NO. 2005

Proposed Ordinance No. 2005 would allow beekeeping in single-family residential areas in Broomfield subject to the restrictions contained in the amendment to Section 6-24 of the municipal code.