

ORDINANCE NO.: 27-2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AMENDING SECTION 91 OF THE MUNICIPAL CODE OF THE CITY OF VALPARAISO, INDIANA TO ALLOW HONEY BEES ON PARCELS CONSISTING OF LESS THAN FIVE (5) CONTIGUOUS ACRES

Whereas, Section 91 of the Municipal Code of the City of Valparaiso, Indiana, sets forth certain regulations governing animals and insects within the geographical boundaries of the City of Valparaiso, Indiana ("City"); and

Whereas, Section 91.10(A)(1) of the Municipal Code currently only permits persons with a minimum of five (5) contiguous acres of land that is enclosed by a fence to keep bees within the City; and

Whereas, Section 91.10(B)(3) of the Municipal Code currently further requires that bees be kept in accordance with the following provisions : (a) if bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier shall be erected that will prevent bees from flying through it; (b) fresh, clean watering facilities for bees shall be provided on the premises; and (c) the bees and equipment shall be kept in accordance with the provisions of state statues; and

Whereas, the Common Council of the City ("Common Council") believes that honey bees are beneficial to mankind by providing agricultural fruit and vegetable pollination services and furnishing honey, beeswax and other useful products; and

Whereas, the existence of honey bees is being threatened by the increased use of pesticides and decreased natural habitat areas"; and

Whereas, honey bees pollinate as much as 30% of our food supply and declining bee populations put said supply at risk; and

Whereas, as a result of the foregoing, the Common Council is desirous of adopting this Ordinance so as to amend Section 91 of the Municipal Code of the City in order to establish revised regulations governing honey bees within the City.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. That Section 91.200 shall be added to the Municipal Code of the City of Valparaiso, Indiana, and shall read as follows:

§ 91.201 HONEY BEES.

Notwithstanding the provisions of § 91.10 which remain in full force and effect, honey bees (as defined herein) shall be allowed to be kept in the City on parcels of land consisting of less than five (5) contiguous acres in strict accordance with all of the following requirements:

§ 91.202 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APIARY. The assembly of one (1) or more hives or colonies of honey bees at a single location.

BEEKEEPER. Means an individual who keeps honey bees in hive(s) which meet state approved requirements.

BEEKEEPING EQUIPMENT. Means anything used in the operation of an apiary, such as hive bodies, supers, frames top and bottom boards and extractors.

CITY. Means the City of Valparaiso, Indiana.

COLONY. Means the entire honey bee family or social unit living together including the queen, workers and drones.

FLYWAY BARRIERS. Means fencing, dense hedging or a combination of the two (2) which provide a shield or protective barrier from the direction in which honey bees fly when approaching or leaving a hive.

HIVE. Means a frame or structure used or employed as a domicile for honey bees which meet state requirements.

HONEY BEE. Means the common domestic honey bee, limited to *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.

LOT. Means a parcel of real estate or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of: (1) a single lot of record; or (2) a combination of lots of record.

§ 91.203 HONEY BEE RESTRICTIONS.

Honey Bees shall be allowed to be kept in the City of Valparaiso, Indiana, on Lots consisting of less than five (5) contiguous acres in strict accordance with all of the following requirements.

(A) Hives shall be permitted to be either the Langstroth Hive or Warre' (Peoples') Hive and shall not exceed 17 cubic feet in volume. No other Hives shall be permitted.

(B) The number of Hives on any Lot in the City shall be limited to two (2) Hives. A temporary Hive (a/k/a Nuc Hive) may be used temporarily to prevent swarming. The temporary Hive shall be immediately removed from use when the hive(s) are re-established.

(C) In no event shall a Hive be located closer than ten (10) feet from a public sidewalk, street or pathway. The distance shall be measured from the center of the closest Hive to the edge of the public sidewalk, street or pathway.

(D) Hives shall not be located closer than ten (10) feet from the property line as measured from the center of the Hive.

(E) A flyway barrier must be installed for all Hives that are located within ten (10) feet of the property line, public sidewalk, street or pathway. The flyway barrier shall be installed no further than four (4) feet in front of the Hive entrance. The flyway barrier must be wide enough to extend two (2) feet on each side of the Hive. The flyway barrier must meet all applicable fencing requirements (location and materials) set forth in the City's Unified Development Ordinance.

(F) All Bee Hives must be located in rear yards.

(G) All Bee Hives shall have a source of water available on the Lot on which the Hive is located. The water source shall be located near the Hive entrance/exit. The water source shall be at least the size of an average bird bath.

Any violations of this Section 91.200 shall be subject to the applicable penalties set forth in § 91.99 of the Municipal Code of the City of Valparaiso, Indiana. In addition, any without waiving any of the foregoing penalties, the City shall be permitted to take all reasonable actions including, but not limited to, removal or destruction of any Apiary, Hive or colony which poses a threat to the public health, safety or welfare, creates a public nuisance or which has been abandoned.

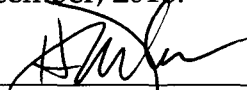
Any individual that recklessly disturbs or molests an Apiary, Hive, Colony, or other Honey Bee habitat, without permission of the Owner shall be subject to all criminal penalties permitted by law.

Section 2. *Conflicting Ordinances.* Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. *Severability.* The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.


Section 4. *Effective Date.* This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Valparaiso, Indiana, and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, on the 12th day of December, 2016.

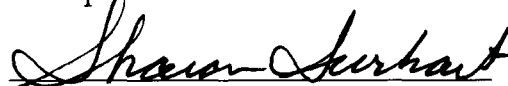


Jon Costas, Mayor


ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 12th day of Dec, 2016, at 7:15 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 12th day of Dec., 2016, at 7:15 o'clock p.m.



Jon Costas, Mayor

