

2401 Judy Ave.
Rapid City, SD 57702
June 27, 2014



Dear Asst. City Attorney Marsland:

I recently received a warning notice from Humane Society Animal Control Officer Sabin for the keeping of wild animals, species bees, in the Rapid City city limits (see attached notice). I was shocked to hear this as I have kept honeybees as a hobby in my backyard for 5 years with only positive comments and encouragement from neighbors and strangers alike.

Jerry Owens of Rapid City started the Wannabee Hobby Beekeepers Club over 5 years ago and got me started in this wonderful hobby. He and others have kept honeybees longer than that at their homes in Rapid City. Our club meets every second Wednesday of the month at Canyon Lake Senior Center at 6pm. We have about 40-45 of the club membership with approximately 125 hives located throughout Rapid City and many other members beyond the city limits. Jerry has always contended that honey beekeeping was lawful in Rapid City. He has been in the Rapid City Journal and on local television many times speaking up for and promoting the hobby of keeping honeybees. Tom Allen, our club president, has also kept honeybees for several years and received the cities permission to place a hive at Mary Hall Park for the public to observe and learn from.

The question of hobby honeybee keeping has been brought up before as stated by Code Enforcement Officer Chlebek and he had been unable to find any regulations for or against the keeping of honeybees in Rapid City, (see attached email).

I want very much, along with the other hobby honeybee keepers in Rapid City, to continue to keep honeybees. We have had an extraordinary record of safety, pollination of flowers, gardens and trees and a contribution to the betterment and well being of the citizens of Rapid City and South Dakota. South Dakota had the third largest honey crop in the nation for 2013 behind North Dakota and Montana as stated by the USDA. Honeybees and what they do for mankind is irreplaceable. For example, every almond we eat was pollinated by a honeybee, no honeybees, no almonds.

At this juncture in time, Asst. City Attorney Marsland has said that her office believes that "crop" in the LDR-1 17.10.020F of Code of Ordinances is only "grain" and does not include honey. I disagree on this point. Please see attached definition and uses of "honey crop". Section F 17.10.020 clearly allows for agricultural crops. It says they cannot be sold, so commercial production, which would be a large part of ones income, is not permitted. Also one cannot raise farm animals or poultry and honeybees certainly are not farm animals or poultry, see attached ordinance.

So with all this background where are we today? I believe if the definition of "crop" in the LDR-1 17.10.020 could be amended by the city attorneys office to include honey, then everyone involved in hobby honeybee keeping could continue as we have for the past many years. If that can't be achieved, then we would need to go down the path of developing an ordinance that would specifically allow for the keeping of honeybees as a hobby.

We, myself and the Wannabee Hobby Beekeepers, and the people interested in the preservation of natures plant pollinators, ask for your help and guidance in the clarification of the city ordiances to include hobby honeybee keeping in Rapid City. I wish to acknowledge and thank Assistant City Attorney Marsland for her help in addressing this issue. This letter is being sent to Mayor Kooiker, Asst. Attorney Marsland, all city council members and council members elect. Thank you for your time, interest and consideration.

A handwritten signature in black ink, appearing to read 'John Marsland'.

From: **Tom Allen** tallen@rushmore.com
Subject: RE: Beekeeping within city limits
Date: June 6, 2014 at 8:56 AM
To: Chlebek Andy Andy.Chlebek@rcgov.org

Thank you! I will contact him and have him contact you Andy. I appreciate your assistance!

Tom Allen

From: Chlebek Andy [mailto:Andy.Chlebek@rcgov.org]
Sent: Friday, June 06, 2014 8:20 AM
To: Garcia Barbara; Nordstrom Ritchie; 'tallen@rushmore.com'
Subject: RE: Beekeeping within city limits

I've had this issue/question come up in the past. I'm not aware of, or have come across, any city regulations for, or against, bee keeping.

Could the Janet St resident w/bee hives forward any notice he received to us?

Thanks

Andy Chlebek

Code Enforcement Officer
Rapid City Community Resources
333 6th St
Rapid City, SD 57701
(605) 355-3465
(605) 355-3520 fax
Andy.Chlebek@rcgov.org

From: Garcia Barbara
Sent: Friday, June 06, 2014 7:57 AM
To: Chlebek Andy
Subject: FW: Beekeeping within city limits

Barbara Garcia
Manager
Community Development/Code Enforcement
333 Sixth Street (office location)
300 Sixth Street (mailing address)



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¹crop noun \ˈkräp\

- : a plant or plant product that is grown by farmers
- : the amount of a crop that is gathered at one time or in one season
- : a group of people who begin to do something at the same time

Full Definition of CROP

8+1 Like

- 1** : a pouched enlargement of the gullet of many birds that serves as a receptacle for food and for its preliminary maceration; *also* : an enlargement of the gullet of another animal (as an insect)
 - 2** **a** (1) : a plant or animal or plant or animal product that can be grown and harvested extensively for profit or subsistence <an apple *crop*> <a *crop* of wool> (2) : the total yearly production from a specified area
 - b** : the product or yield of something formed together <the ice *crop*>
 - c** : a batch or lot of something produced during a particular cycle <the current *crop* of films>
 - d** : COLLECTION <a *crop* of lies>
 - 3** : the stock or handle of a whip; *also* : a riding whip with a short straight stock and a loop
 - 4** [²*crop*]
 - a** : the part of the chine of a quadruped (as a domestic cow) lying immediately behind the withers —usually used in plural — see COW ILLUSTRATION
 - b** : an earmark on an animal; *especially* : one made by a straight cut squarely removing the upper part of the ear
 - c** : a close cut of the hair
- See crop defined for English-language learners »

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U.S. Honey Crops and Markets

U.S Honey Crops and Markets - June 2014

(excerpt)

UNITED STATES

Since printing our May report, colonies and plants in the northern half of the country are responding favorably to more seasonal temperatures. Many trees and wildflowers have bloomed helping colonies to rebuild their strength after a very long, cold winter. Package bee, nuc and queen shortages were still mentioned as a problem, especially for the beekeepers interested in immediately rebuilding their apiaries before the main late spring and early summer honey flows began. Moisture conditions have continued to be rated as fair to good over the eastern half of the country, but become progressively drier as one travels west.

Honey flows in the South were coming into their height during April and May. In Florida, beekeepers reported better gallberry and palmetto flows after experiencing earlier disappointing yields from oranges. Meanwhile, the earlier cool spring had delayed the main flows in some of the southeastern and southwestern states. As this was written, southern beekeepers were reporting more swarming as brood nests expanded and spring flowers came into full bloom.

The demand for honey remains strong at both the wholesale and retail levels. Little of last year's crop remains unsold. Prices are expected to remain strong throughout the coming months as beekeepers begin extracting and marketing their new-crop honey.

NORTHEAST—Terrible winter colony losses were common in this area, with many beekeepers registering up to 80% winter losses. Despite careful winter preparations, many colonies died anyway. As we indicated last month, beekeepers were scrambling to secure needed replacement nucs, packages and queens. As this was written, maple, elm, willow, fruit bloom and assorted wildflowers were coming into bloom, but the season was still rated as at least two to three weeks late. Some beekeepers have already told us that this will have to be a rebuilding year rather than a honey-making season for them. Many beekeepers were still feeding in May due to the heavy colony losses and the late spring. Since the season is running late reporters were not sure when black locust, sumac, and assorted spring honey plants would bloom. Commercial pollinators are preparing to move colonies into fruit and berry locations. Per colony prices were running from \$70 to \$90 per colony.

MIDEAST—Beekeepers in this area also had to replace a number of deadouts this spring. However, bee supplies were so tight that some beekeepers were not able to secure all the packages or nucs that they wanted. As this was written, beekeepers were still feeding packages, nucs and divides. However, overwintered colonies were sustaining themselves on many different fruit trees and wildflowers finally coming into bloom after a long, cold winter. Beekeepers mentioned flows from redbud, fruit trees, dandelion, and henbit. Black locust, tulip-poplar and clovers should be starting to bloom shortly. With plenty of ground moisture, flow prospects look good, but many colonies will be too weak to take full advantage of them. Beekeepers have little or no honey left to sell and are anxious to secure new-crop honey for customers.

SOUTHEAST—The Florida orange flow was short again this year due to adverse weather earlier in the season, citrus greening disease and possibly fewer bees being placed in the groves. As this was

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★ OCT 13 1936 ★
U. S. Department of Agriculture
Friday, October 16, 1936

1.9
In 3HH
HOUSEKEEPERS' CHAT

(FOR BROADCAST USE ONLY)

Subject: "THE HONEY CROP." Information from the Bureau of Home Economics and the Bureau of Agricultural Economics, U. S. Department of Agriculture. Publication available, Leaflet No. 113-L, "Honey and Some of Its Uses."

--ooOoo--

Every year in the fall, the "honey man" used to call at our door, and let us sample his honey before we bought it. I'm reminded of him because I've just been reading the new "Market Basket" prepared by the Bureau of Home Economics, of the U. S. Department of Agriculture, and it's all about honey and this year's honey crop.

The Market Basket mentions Maeterlinck's "Life of the Bees", and how the bees make honey from start to finish -- collecting the nectar from a great variety of flowers, modifying it, and storing it in combs in their hives. The strained or extracted honey constitutes about three-fourths of the market supply, I learned, while the comb honey that we like to eat in chunks with hot biscuits is sold either in whole combs, just as the bees have stored it, or in sections cut from combs.

Differences in flavor and color between one kind of honey and another are due to the kind of flowers from which the bees got the nectar. Sweet clover, white and alsike clovers, and alfalfa are the chief sources of honey in the United States. The important commercial honeys come mostly from the clovers or clover blends. Blending two or more honeys insures greater uniformity of color, flavor, and consistency, during different seasons and from year to year. Other flowers mentioned as good sources of honey are tupelo, orange and cotton blossoms, from the South, wild sage in California, star-thistle on the Pacific Coast, buckwheat, mesquite, and fireweed. Late in the season, goldenrod, heartsease and asters often supply nectar for honey. The flower flavor preferred is a matter of personal taste.

Although the use is optional, a great many honey dealers follow the grades and standards set up by the Bureau of Agricultural Economics of the U. S. Department of Agriculture. There are seven color classifications: Water white, extra white, white, extra light amber, light amber, amber, and dark. The grades of honey are independent of color. Those for extracted honey are based on freeness from foreign matter, and those for comb-section on finish and whiteness of the cappings. All honey going into interstate commerce must be stamped with its net weight as required by the Federal pure-food laws, and must be pure honey as defined by the Food and Drug Administration.

What about this year's honey crop? There will be about the same quantity of honey as in 1935, say the economists, although the beekeepers have encountered many difficulties due to winter freezing and summer drought. The

[Print](#)

Rapid City, SD Code of Ordinances

CHAPTER 17.10: LDR-1 LOW DENSITY RESIDENTIAL DISTRICT 1

Section

- 17.10.010 General description.
- 17.10.020 Permitted principal and accessory uses and structures.
- 17.10.030 Conditional uses.
- 17.10.040 Temporary uses.
- 17.10.050 Area regulations.
- 17.10.060 Height regulations.
- 17.10.070 Off-street parking.
- 17.10.080 Flood fringe building district.

17.10.010 General description.

This district is intended to be used for single-family residential development with low population densities. Additional permitted uses, by review of the Common Council, include related noncommercial, recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area.

(Prior code Appendix A, Art. IV (§ 2 (A)))

17.10.020 Permitted principal and accessory uses and structures.

Property and buildings in an LDR district shall be used only for the following purposes:

- A. Detached single-family dwellings, but not including trailer houses or mobile homes;
- B. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to the construction work and which buildings shall be removed upon completion or abandonment of the construction work;
- C. Transportation and utility easements, alleys and rights-of-way;
- D. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building;

- E. Signs, as regulated by §§ 17.50.080 through 17.50.100;
- F. Agricultural crops (not to be sold), and not the raising of farm animals or poultry;
- G. Home occupation as regulated in § 17.50.350; and
- H. Family day care centers.

(Ord. 2899 (part), 1991: prior code Appendix A Art. IV (§ 2 (B)))

17.10.030 Conditional uses.

The following uses may be permitted as a conditional use by the Common Council in accordance with provisions contained in § 17.54.030 of this title:

- A. Churches or similar places of worship, with accessory structures, but not including missions or revival tents;
- B. Elementary or high schools, public or private;
- C. Child care centers;
- D. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district;
- E. Libraries, museums, and historical monuments or structures;
- F. Utility substations;
- G. Plant nursery in which no building or structure is maintained in connection therewith;
- H. Golf courses, or country clubs with adjacent grounds of not less than 60 acres, but not including miniature courses and driving tees operated for commercial purposes;
- I. Cemeteries;
- J. Planned residential developments as regulated by §§ 17.50.050 through 17.50.100 of this title;
- K. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100 of this title;
- L. Group homes, subject to the following:
 - 1. Provide a detailed program and services plan at the time of application;
 - 2. Must meet fire, building and health requirements;
 - 3. The Council may or may not wish to add the following conditions:
 - a. Standard hours of operation, such as, standard;
 - b. Supervision, such as, type and extent;
 - c. Services and program to be provided;
 - d. Number of persons;