

**AN ORDINANCE TO REGULATE HOBBY BEEKEEPING BY ADOPTING
CHAPTER 6.20 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the value of honey bees as pollinators of South Dakota's agricultural crops as well as its home orchards and gardens is vitally important; and

WHEREAS, South Dakota is among the leading states in honey production and its honey is valued because of its light color and mild flavor; and

WHEREAS, in most cases a beekeeper can utilize management techniques to successfully control problems in his bees related to diseases, parasites, predators and other environmental problems; and

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

WHEREAS, domestic strains of honey bees can be maintained within populated areas in reasonable densities to fill an ecological niche and exclude unwanted and undesirable strains of bees without causing a nuisance if the honey bees are properly located and carefully managed and maintained; and

WHEREAS, nearly 70 percent of the registered beekeepers in South Dakota are hobby beekeepers and many hobby beekeepers maintain hives within City limits; and

WHEREAS, the Common Council desires to permit and regulate hobby beekeeping which is conducted within the City's corporate limits.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 6.20 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:

CHAPTER 6.20 HOBBY BEEKEEPING

Section

- 6.20.010 Definitions.
- 6.20.020 Location of hives.
- 6.20.030 Apiary management.
- 6.20.040 Colony densities.
- 6.20.050 Nuisance prohibited.
- 6.20.060 Compliance with all applicable laws.
- 6.20.070 Penalties.
- 6.20.080 Spraying.

6.20.010 Definitions.

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter.

A. *APIARY*. Any place where one or more colonies of bees are kept.

B. *BEEES*. Any insect stage of the common honeybee, *Apis mellifera L*, or any species of bees which is allowed in SDCL Chapter 38-18.

C. *COLONY*. The bees in any hive, including queens, workers, and drones.

D. *HIVE*. Any frame hive, box hive, box, barrel, log gum, skep, or any other container which may be used as a domicile for bees.

E. *HOBBY BEEKEEPER*. A person who engages in hobby beekeeping.

F. *HOBBY BEEKEEPING*. The activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of bees.

6.20.020 Location of hives.

A. Proximity to Residences. No person shall establish or maintain any hive or keep any bees on the premises within fifteen feet of any dwelling. This restriction does not apply to residences located on the same lot as the hive.

B. Hive placement. All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of persons on adjacent properties or in the public right-of-way. Hives shall not be placed within any setback applicable to the zoning district as found in Title 17. Hives shall not be placed within any drainage easement on the property. The back of the hive shall face away from the closest property line, sidewalk, and/or right of way, except that this requirement does not apply if screening is provided under Section C below between the hive and the adjacent property line, sidewalk, or right-of-way.

~~C. Screening. Hobby beekeepers are encouraged to use screening between the hive and neighboring lots, sidewalks, and/or rights of way, such as fences, hedges, walls, or other obstructions to inhibit interference between bees and persons on adjacent sidewalks, rights of way, and property.~~

C. Fencing of Flyways and Screening. In each instance in which any hive is situated within 25 feet of the property line, the hobby beekeepers shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends 10 feet beyond the hive in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property line.

6.20.030 Apiary management.

A beekeeper shall:

A. Provide an adequate and convenient source of water at all times to the bees on the property on which the apiary is located, to prevent the bees from congregating at other water sources where they may come into contact with humans and animals, and the water shall be maintained so as not to become stagnant;

B. Maintain and manage such hives so as not to create a nuisance; and

C. 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.

6.20.040 Colony densities.

A. It shall be unlawful to keep more than four colonies on any tract, lot, or parcel within the City. However, if the size of the lot on which the apiary is situated permits all hives to be located at least 200 feet from all property lines, there shall be no limit to the number of colonies.

B. For each two colonies authorized above, there may be maintained upon the same tract one nucleus colony as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

6.20.050 Nuisance prohibited.

Notwithstanding compliance with the requirements of this Chapter, it shall be unlawful for any person to keep any colony or colonies in such a manner, or of such a disposition, as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, interfere with the normal use and enjoyment of any public property or property of others, or as to create a nuisance to others. Public nuisances under this Section may be abated in accordance with the provisions in R.C.M.C. Chapter 8.16 and state law.

If a colony is found to be a nuisance, the hobby beekeeper must relocate or destroy all hives within 30 days of the final nuisance determination.

6.20.060 Compliance with all applicable laws.

Beekeepers shall register all apiaries with the State as required by SDCL Chapter 38-18. Beekeepers shall comply with all applicable federal and state laws, including but not limited to those provisions found within SDCL Chapter 38-18, and all other relevant City ordinances, including zoning regulations.

6.20.070 Penalties.

The City may utilize any action available under the law to address violations of this Chapter, including but not limited to the following:

A. Any person violating this Chapter shall be subject to the general penalty provision of RCMC 1.12.010.

B. The City may seek to enjoin any person or operation who violates the provisions of this Chapter.

C. In the case of a violation of this Chapter, the City may elect to destroy a hive and/or relocate a colony, if there is an immediate need to protect public safety, or may require the hobby beekeeper to destroy or relocate a colony. Such circumstances shall be present when there is (1) a colony not residing in a hive structure intended for beekeeping; (2) a dangerous swarm of bees that poses an immediate risk to the safety of humans; or (3) a colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

6.20.080 Spraying.

The City is not liable for any damage bees, hives, colonies, or hobby beekeeping operations resulting from the City’s use of spray to kill pests or weeds on public rights of way or public property.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: