

ORDINANCE NO. 17 - 5685

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 4-305 AND PROVIDING THAT THE KEEPING OF A HOBBYIST APIARY SITE BY A HOBBYIST BEEKEEPER BE ALLOWED, IF PERMITTED; SETTING CERTAIN REQUIREMENTS AND A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 4-305 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 4-305. Keeping apiary prohibited, except city permitted hobbyist apiary sites.

(a) No person shall keep or maintain, on any premises, property or place in the city, hives or colonies of bees, except as allowed in this section. Nothing in this section or chapter shall be intended or interpreted to modify or supersede any applicable land use or rental restrictions including but not limited to covenants, conditions and restrictions and Montana Code Annotated landlord-tenant statutes, or individual landlord rules and policies. Further, nothing in this section or chapter shall be intended or interpreted to superseded any applicable state or federal regulation of bees or beekeeping.

(b) Definitions.

(1) Apiary means the location where one or more hives containing honeycombs or bee comb are kept.

(2) Bees means any stage of *Apis mellifera* and all European subspecies.

(3) Hive means a frame hive, box hive, observation hive, receptacle or container or part of a container, natural or artificial, used as a domicile for bees that is clearly recognized for that use.

(4) Hobbyist apiary site means an apiary site registered by a hobbyist beekeeper with the department of agriculture, provided in Sec. 2-15-3001, MCA.

(5) Hobbyist beekeeper means a person who owns a total of two (2) hives.

(c) Hobbyist apiary site permitted. A hobbyist apiary site is permitted within the city limits by a hobbyist beekeeper if the site is permitted by Animal Control. Only one hobbyist apiary site permit is allowed for an applicant and only one hobbyist apiary site permit is allowed for a single family parcel, business, or school. No apiary site is permitted on nor shall a permit be granted for two family or multi-family parcels. No apiary site shall be located in a front yard of a single family parcel, business or school.

(d) Exhibition purpose permitted. If the hobbyist apiary site is for the purpose of exhibition, the site shall be allowed one observation hive which does not have more than three (3) frames; each frame may be no larger than ten inches by twenty inches (10" x 20") in size with no more than a total of two (2) pounds of bees for the exhibit.

(e) Permitting requirements and conditions. A hobbyist beekeeper may own, use, or maintain a hobbyist apiary site within the city provided the hobbyist beekeeper first obtains an annual apiary permit from the Billings Animal Control. All hobbyist apiary sites shall be registered annually with Animal Control prior to April 1st of each year. The annual permit fee shall be established by City Council resolution.

A hobbyist beekeeper with a hobbyist apiary permit must:

(1) Certify that the hobbyist beekeeper has no more than two (2) hives on lots smaller than one acre and show proof that the

hobbyist apiary site is registered with the State of Montana department of agriculture as a hobbyist apiary site, pursuant to section 80-6-114, Montana Code Annotated;

- (2) Certify that the hobbyist beekeeper is the owner of the bees and that the hobbyist beekeeper will personally manage, maintain and operate the apiary site;
- (3) Certify that the hobbyist apiary site uses hives that are movable and framed with adequate space in the hive to prevent overcrowding and swarming;
- (4) Certify that the hobbyist beekeeper will promptly ensure that the hobbyist apiary site is re-queened or united with another hive following any swarming or aggressive behavior by the bees of that site or any hive therein;
- (5) Certify that the hobbyist beekeeper will not manipulate the hobbyist apiary site between the hours of sunset and sunrise unless the hives are being moved to or from that site or any hive therein;
- (6) Provide the property owner's written consent allowing Billings Animal Control officers and its assigns to enter upon the property where the hobbyist apiary site is located for the purpose of compliance checks before licensing and relicensing and for the purpose of abatement and removal of the hobbyist apiary site if the permit is revoked;
- (7) Present a site plan of the hobbyist apiary site showing:
 - i. That the hobbyist apiary site is located on property owned or leased by the hobbyist beekeeper;
 - ii. Availability of a water source that is within twenty feet (20') of the hobbyist apiary site for the active duration of the site; and
 - iii. That the hobbyist apiary site will either be kept at least fifteen feet (15') from the boundary lines of adjacent property owned by another person or public right-of-way and that there is a privacy fence barrier six feet (6') high that prohibits the direct flight of bees that is erected between the site and adjoining property.

- (f) Unpermitted apiary prohibited. It is unlawful for any person, firm or corporation to maintain any hives on its property, except for city permitted hobbyist apiary sites.
- (g) Revocation of permit. After providing ten(10) days written notice of the violation and an opportunity to correct the violation, the city administrator may revoke the permit of the hobbyist apiary site if the violation continues uncorrected after the ten (10) day period.
- (h) Changes to standards. Future changes to standards contained in this section shall require any permit holder to comply with any new standard, regulation, or condition and no notice to a permit holder is required prior to enforcement of any new standard beyond that required for adoption of a new or revised ordinance.
- (i) Penalty. Violations of this section are designated as municipal infractions and punishable by civil penalties as specified in sections 4-310 and 18-1304, BMMC. In addition, any violations will result in the hobbyist apiary permit being revoked by the city administrator.

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of these ordinances are declared to be severable.

Section 3. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

APPROVED on first reading this 27th day of February 2017.

ADOPTED and APPROVED on second reading this 13th day of March, 2017.

CITY OF BILLINGS



By Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

By Denise R. Bohlman
Denise R. Bohlman, City Clerk