

Alabama Beekeepers Association Position Paper on Municipal Ordinances Regarding Beekeeping

PART ONE: SAMPLE ORDINANCES

Very few Alabama municipalities have ordinances that specifically regulate beekeeping. Following is a representative sampling from several of those that do:

Anniston

Sec. 4.6. – Honey bees and apiaries.

(a)

The purpose of this section is to establish certain requirements, consistent with Title 2 of Alabama law, of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of honey bees in populated areas.

(b)

The keeping by any person of honey bee colonies or apiaries in the municipality not in compliance with this section and Chapter 14 of Title 2 of Alabama state law and the associated rules and regulations established by the Alabama Board of Agriculture and Industries is prohibited.

(c)

The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them in this section:

(1)

Apiary shall mean a place where one or more honey bee colonies are kept.

(2)

Honey bee shall mean any life stage of the common domestic honey bee, *Apis Mellifera* species.

(3)

Colony shall mean a hive and its equipment and appurtenances, including, honey bees, combs, honey, pollen, and brood.

(4)

Hive shall mean a structure intended for the housing of a honey bee colony.

(5)

Tract shall mean a parcel of land and any contiguous parcel of land under common ownership.

- (d) All honey bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition.
- (e) In each instance in which any colony is situated within twenty-five (25) feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the closest hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least ten (10) feet in height consisting of a solid wall, dense vegetation, or combination thereof that is parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least ten (10) feet above ground level over the property lines in the vicinity of the apiary.
- (f) Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees housed in the apiary so that the honey bee are discouraged from congregating at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, or domestic pet contact.
- (g) Any honey bee colony not utilizing a hive structure intended for beekeeping, or any swarm of honey bees or colony residing in a standard or homemade hive which, by virtue of its condition, presents a public nuisance or has been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by the municipality or its designee, such as a recognized Beekeepers Association.

Gadsden

Sec. 10-66. – Keeping bees.

- (a) *Restriction.* It shall be unlawful to keep, harbor or maintain the common domestic honey bees, *Apis mellifera*, species within 300 feet of any residence, school, church, hospital, public building, park, playground or body of water, except as provided in subsection 10-66(b).
- (b) *Requirements for permitted beekeeping:*
 - (1) A solid wall, solid fence, dense vegetation or a combination of them at least six feet in height that is parallel to the property line shall be placed within ten feet of the entrance to a beehive or other device or structure used to house the bees and shall and in all directions so that the bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony.

- (2) Beekeepers shall provide a convenient source of water available at all times, especially when the colonies are actively rearing brood, and in times of extreme heat, on the same property within 25 feet of each beehive. A single water source may be used for multiple hives.
- (3) The beekeeper shall take reasonable measures to prevent the swarming impulse of kept bees.
- (4) All hives must comply with the provisions of state law, currently Code of Ala. 1975, § 2-14-1 et seq., along with any regulations adopted by an agency of the State of Alabama.
- (5) If a colony exhibits aggressive or swarming behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocations occurs.
- (6) Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots:
 - a. Less than one-fourth acre (10,890 square feet): One colony.
 - b. One-fourth to one-half acre (10,890—21,780 square feet): Two colonies.
 - c. One half-acre to one acre (21,780—43,560 square feet): Four colonies.
 - d. Greater than one acre lots: The number of colonies will be set by animal control on an individual basis, up to a maximum of eight colonies.

(c) *Violations declared nuisance.* Any beehive or other device or structure (natural or manmade) used to maintain such bees or occupied by such bees that is not in compliance with this section is declared to be a nuisance. It shall be unlawful to maintain any such nuisance and such nuisance shall be abated as provided by this Code.

Muscle Shoals

Sec. 50-29. - Keeping of bees and bee hives.

(a)

Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

(1)

Apiary means a place where bees are kept or a collection of honey bee colonies.

(2)

Beekeeper means a person who owns, leases or manages one or more colonies of bees for pollination or the production of honey, beeswax or other byproducts, either for personal or commercial use.

(3)

Bee means any stage of the common honey bee, *Apis mellifera* species.

(4)

City means the corporate limits of the City of Muscle Shoals, Alabama.

(5)

Colony means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.

(6)

Hive means a structure for housing honey bees.

(7)

Lot means the minimum lot areas as defined in the current zoning ordinances of the City of Muscle Shoals, Alabama.

(b)

Registration requirements.

(1)

It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within corporate limits without being properly registered with the Office of the Code Enforcement Division of the City of Muscle Shoals, Alabama to keep such bees.

(2)

Beekeepers with existing apiaries shall have 30 days from the adoption date of the ordinance from which this section derives to register all apiaries with numbers of colonies kept or harbored under their supervision within the corporate limits with the Codes Enforcement Division of the City of Muscle Shoals, Alabama.

(3)

After 30 days from the adoption of the ordinance from which this section derives, all apiaries and colony numbers shall be registered annually with the codes enforcement division of the city before the bee colonies are kept or harbored within the city limits.

(c)

Genetic stock.

(1)

Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits.

(2)

Once Africanized honey bees have been confirmed by a recognized authority as inhabiting any area of Alabama, beekeepers shall be required to re-queen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas.

(3)

Beekeepers will be required to keep and maintain receipts of purchases to be produced upon request by the enforcement authority.

(d)

Creating nuisance. It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbor colonies of bees under their supervision within the corporate limits in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others.

(e)

Colony density. Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots within corporate limits:

(1)

Less than one-fourth acre (10,890 square feet): One colony.

(2)

One-fourth to one-half acre (10,890—21,780 square feet): Two colonies.

(3)

One-half to one acre (21,780—43,560 square feet): Four colonies.

(4)

Greater than one acre lots will be determined on individual basis.

(f)

Property lines. Beekeepers shall keep no colonies of bees within 25 feet of public or private property lines except when:

(1)

The colonies are placed behind a solid fence at least six feet in height that is parallel to the property line and extends six feet beyond the colonies in each direction; and

(2)

That all bee fly-ways are forced over a minimum of a six-foot level.

(g)

Water supply. Beekeepers shall provide a convenient source of water available at all times, especially when colonies are actively rearing brood, and in times of extreme heat.

(h)

Apiaries. Beekeepers operating apiaries within the corporate limits of the City of Muscle Shoals, Alabama shall comply with all Alabama bee regulations and laws.

(i)

Penalty for violation. Any person violating any provision of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished pursuant to section 1-7 of the Code of Ordinances of the City of Muscle Shoals.

(j)

Injunctive relief. In addition to and cumulative of all other penalties, the City of Muscle Shoals, Alabama shall have the right to seek injunctive relief for any or all violations of this section.

Oxford

Sec. 6-10. - Bees and bee hives; keeping near schools, parks or residences.

It shall be unlawful for any person to keep or maintain bees or bee hives within 150 feet of the boundary line of any property upon which is any school ground, public park or public playground in the city or within 300 feet of the boundary line of any property upon which is the residence of another person in the city.

Tuscaloosa

Sec. 4-11. - Bees and bee hives; keeping near schools, parks or residences.

Maintaining or keeping honey bees or honey bee hives in the City is unlawful unless the following conditions are met:

(1)

Honey bees or honey bee hives shall not be kept within one hundred fifty (150) feet of the boundary line of any property upon which is any school ground, public park or public playground in the city.

(2)

Honey bee hives shall be kept within ten (10) feet of the rear yard property line and facing away from the rear yard property line.

(3)

Honey bee hives shall not exceed one hive per one-half acre.

(4)

Honey bee hives shall be situated on the property so as to direct the flight pattern of the bees up and out from the hive.

Weaver

Sec. 8-26. - Keeping of bees.

(a)

Restriction. It shall be unlawful to keep, harbor or maintain bees within 300 feet of any residence, school, church, hospital, public building, park, playground or body of water.

(b)

Declared violation. Any beehive or other device or structure (natural or manmade) used to maintain such bees or occupied by such bees is hereby declared to be a violation.

PART TWO: COMMON THEMES

Setback and Shielding

Most ordinances require some type of setback from property lines. Setbacks range from 10 feet to 300 feet. Many require a solid barrier of 6 feet to 10 feet in height if a hive entrance is within a specified distance of a property line. The intent is to force bee flight upwards and over the barrier, rather than straight into and out of the hive, possibly placing neighbors in the flight path.

Prohibited Locations

Some ordinances prohibit beehives within several hundred feet of schools, public parks, and similar areas.

Care of Colony

Most ordinances require adequate water supplies for the colony. While at first blush this might seem to be for the benefit of the bees, other ordinances elaborate on this point and indicate it is to avoid bees congregating at neighboring pools, bird baths and other water sources in search of water.

Registration

Some ordinances require registration of beehives with local government. Some require compliance with all State laws. By implication, that would include State registration.

Density

Most ordinances limit the number of colonies per $\frac{1}{4}$ acre of land.

Aggression

Some ordinances limit colonies to European stock, and require annual re-queening if there are Africanized bees in the area, and as-needed re-queening in the case of aggressive behavior.

Swarming

Some ordinances require beekeepers to take reasonable steps to control swarming behavior.

PART THREE: RECOMMENDATIONS

It is the recommendation of the Alabama Beekeepers Association that all municipal ordinances enacted to regulate beekeeping should:

- 1) Establish legal requirements for the keeping of honey bee colonies, consistent with Chapter 14 of Title 2 of the Code of Alabama (1975).
 - a. Require registration of honey bee colonies with the State Department of Agriculture and Industries as provided in Section 2-14-3.
 - b. Require identification of the ownership of all hive bodies and supers by marking them in accordance with the provisions of Section 2-14-7.
 - c. Require that colonies be kept in hives with moveable frames, as provided in Section 2-14-9, to allow for ready examination and inspection by Apiary Inspectors of the Alabama Department of Agriculture and Industries.
- 2) Establish reasonable requirements regarding density of colonies based on ¼ acre (10,890 square feet) increments of property owned or leased.
- 3) Establish reasonable requirements regarding setback and shielding from the property lines of adjacent privately owned property.
- 4) Establish reasonable requirements regarding setback and shielding from property lines of adjacent publicly owned property, such as schools and parks.
- 5) Require a dedicated water supply for bees. Beekeepers should provide a convenient source of drinking water for bees available at all times, especially when colonies are actively rearing brood, and in times of extreme heat.
- 6) Definition of terms. The following words, terms, and phrases should have the following meanings ascribed to them in the ordinance:
 - a. *Honey bee* shall mean any life stage of the common domestic honey bee, *Apis Mellifera* species.
 - b. *Colony* shall mean a hive and its equipment and appurtenances, including, honey bees, combs, honey, pollen, and brood.
 - c. *Hive* shall mean a structure intended for the housing of a honey bee colony.
 - d. *Apiary* shall mean a place where one or more honey bee colonies are kept.
 - e. *Beekeeper* shall mean a person who owns, leases or manages one or more colonies of bees for pollination or the production of honey, beeswax or other byproducts, either for personal or commercial use.
 - f. *Tract* shall mean a parcel of land and any contiguous parcel of land under common ownership.
 - g. *Lot* shall mean the minimum lot areas as defined in the current zoning ordinances of the City.
 - h. *City* shall mean the corporate limits of the municipality.
- 7) *Violations declared nuisance.* Any beehive or other device or structure (natural or manmade) used to maintain such bees or occupied by such bees that is not in compliance with the ordinance should be declared to be a nuisance.

- a. It shall be unlawful to maintain any such nuisance and such nuisance shall be abated as provided by this Code.
- 8) *Penalty for violation.* Any person violating any provision of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished pursuant to the Code of the City.
- 9) *Injunctive relief.* In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any or all violations of this section.