

ORDINANCE NO. 3337

AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING CHAPTER 50, ARTICLE VII, BY ADDING SECTIONS 195-198 OF THE CODE OF THE CITY OF MCPHERSON, KANSAS ESTABLISHING THE ALLOWANCE OF, AND REGULATIONS FOR, THE KEEPING OF BEES WITHIN THE CITY LIMITS.

WHEREAS, honey bees are important to a health ecosystem;

WHEREAS, the keeping of hives within the City of McPherson, Kansas can create a nuisance for adjoining property;

WHEREAS, the City desires to find a workable compromise; and

WHEREAS, the governing body of the City believes it is in the best interest of the City to amend the City Code to provide for the allowance of, and regulations for, the keeping of bees within the City Limits.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Amendment of Code Section. Chapter 50, Article VII of the Code of the City of McPherson is hereby amended by inserting the following sections:

50-194. General Provisions.

Definitions.

"Abandoned Hive" includes, but is not limited to, a Colony or Hive and equipment a Beekeeper has ceased to manage, is deserted, not maintained or left unattended.

"Apiary" a Hive or collection of Hives including the immediate area surrounding the Hive.

"Bees" means any stage of the common domestic honey bee, *Apis Mellifera* species.

"Beekeeper" is any person or persons who owns, operates, maintains, possesses or otherwise controls a Hive or is the owner of property upon which a Hive is situated.

“Colony” is a single managed Colony or Hive consisting of a queen and all life stages to support sustenance and reproduction kept by a Beekeeper and synonymous with Hive.

“Flyover Barrier” is a solid wall, fence, or dense vegetation or combination thereof that provides an obstruction through which Bees cannot readily fly.

“Hive” is where a managed Colony is located. A Hive consists of a managed Bee Colony kept in structure intentionally provided by the Beekeeper for Bee housing. The Bee housing structure has movable frames to allow the Beekeeper and inspector complete access to the inner living area of the Colony and its contents for manipulations such as re-queening, viewing, evaluation and sampling.

“Hive Pests” means any agent or characteristic in a managed Bee Colony or Hive that makes the existence of such Colony or Hive detrimental to the apicultural industry, other neighboring apiaries, the environment, or public safety by being kept in a manner as to contain any unhealthy conditions or be a source of Bee Pests which include but is not limited to disease, parasites, fungi, foulbrood, bacteria, microsporidia, virus, insect, nematode, mites, or other organisms that damage Bees or Bee products.

“Neighboring Dwellings” means a place where a person resides and may include, but is not limited to, the following: any part of an attached home, unattached residential office, unattached garage, mobile home, guest home, condominium or apartment.

“Undesirable Bee Behavior” is any behavior exhibited by Bees from a Hive that may result in harm to others. Undesirable Bee Behavior includes, but is not limited to, characteristics of Africanized Bees guarding a larger territorial perimeter around the Hive in greater numbers than is typical of European Bees, responding to minimal or no provocation into over-defensiveness, aggressiveness, repeated swarming, unpredictability, reactiveness, and agitation during, but not limited to, Hive inspection. Bees foraging on flowering vegetation is considered normal and desirable.

50-195. Prohibition.

It shall be unlawful for any person to place, establish, or maintain any Hive, box, stand or Apiary or keep any Bees in or upon any premises within the city limits unless the Bees are kept in accordance with the provisions of this Section.

50-196. Standards and Requirements.

Distance Restrictions. Hives must be located at or greater than the following distances: 40 feet from Neighboring Dwellings, any public road or sidewalk and any public park or school.

Flyover Barrier. Beekeepers must maintain an adequate Flyover Barrier of at least six (6) feet in height to shield any part of a property line and creating a perimeter around the Hive. A Hive shall not be visible from any public right-of-way.

Water Supply Required. Beekeepers shall maintain on the same property as the Hive, an adequate and accessible supply of fresh water available at all times.

Number of Hives. No more than two (2) Hives shall be maintained on any property.

Undesirable Hives. No Beekeeper shall own or operate a Hive that exhibits Undesirable Bee Behavior, contains Hive Pests or is an Abandoned Hive.

Signage. Beekeepers must install and maintain a sign, no less than 5 inches by 3 inches, located at each pedestrian gate, indicating the keeping of bees on the property.

Responsible Part(ies). The part(ies) responsible for maintaining the Hive shall reside on the property where the Hive is located.

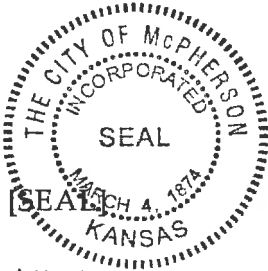
50-197. Violations and Penalty.

Any violation of any provision of this Ordinance shall be a misdemeanor and punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months. Each day of violation after notification shall constitute a separate offense.

Section 2. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of the ordinance on the official city website.


ADOPTED by the governing body this 13th day of July, 2020.

CITY OF MCPHERSON, KANSAS



Attest:


Tamra K. Seely, City Clerk


Thomas A. Brown, Mayor