

ORDINANCE NO. 2019 – 18

ORDINANCE AMENDING TITLE IX, CHAPTER 90 OF THE CODE OF ORDINANCES OF GREENFIELD, INDIANA

WHEREAS, there currently exists within the Code of Ordinances of Greenfield, Indiana, Title IX, Chapter 90, regarding Animal Management within the City of Greenfield, Indiana; and

WHEREAS, there currently exists within said Title and Chapter, certain definitions under § 90.11 defining those animals considered Domestic Farm Animals which, pursuant to § 90.11, a person is prohibited from owning, keeping, or having custody of on his/her property within the city limits; and

WHEREAS, the Indiana Legislature enacted Senate Enrolled Act 529 in the 2019 legislative session, which Act makes it unlawful for any unit of government to adopt or continue in effect any ordinance, rule, regulation, or resolution that prohibits a person from beekeeping on property that the person owns, rents, or leases; and

WHEREAS, in order to comply with Senate Enrolled Act 529, and specifically Indiana Code 36-1-28, an amendment to Title IX, Chapter 90, is required and is deemed to be in the best interest of the health, safety, and welfare of the citizens of Greenfield, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA:

SECTION I

Title IX, Chapter 90, § 90.01, Domestic Farm Animals, shall be amended by deleted “(12) Bees” and renumbering subsequent sections appropriately.

SECTION II

There shall be added to Title IX, Chapter 90, a new section designated as § 90.14 BEEKEEPING to read as follows:

§ 90.14 BEEKEEPING.

(A) Definitions.

Apiary. The assembly of one or more hives or colonies of bees at a single location.

Bee. The common domestic honeybee, limited to the *apis mellifera* species, but specifically excluding the African honeybee, *apis mollifer scutella*, Africanized honeybee, or any hybrid thereof.

Beekeeper. An individual who keeps bees in a hive which meets state approved requirements.

Beekeeping Equipment. Anything used in the operation of an apiary, such as, but not limited to, hive bodies, supers, frames, top and bottom boards, and extractors.

City. The City of Greenfield, Indiana.

Colony. The entire family or social unit living together, including the Queen, workers, and drones.

Flyway Barriers. Fencing, dense hedging or a combination of the two which provide a shield from the direction in which bees may fly when approaching or leaving a hive.

Hive. A frame or structure used or employed as a domicile for bees which meets state requirements and shall be either a Langstroh hive or a Warre’ hive.

(B) Number of Hives. The maximum number of hives permitted per property shall be as follows:

- (1) Two (2) hives for properties with a total lot area of 6,000 ft.² or less.
 - (2) Four (4) hives for properties with a total lot area of greater than 6,000 ft.² but less than 7,200 ft.²
 - (3) Five (5) hives for properties with a total lot area of greater than 7,200 ft.² but less than 12, 000 ft.²
 - (4) Eight (8) hives for properties with the total lot area of 12,000 ft.² or more.
- (C) Maximum size of Hives. Each hive shall have a maximum size of 20 cubic feet.
- (D) Flyway Barrier. A flyway barrier of at least six (6) feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof and shall be positioned to transact both legs of a triangle extending from an apex at the hive to each end point of the property line to be shielded. Said flyway barrier shall be maintained in good repair at all times.
- (E) Water Supply. A constant supply of water shall be provided for all hives.
- (F) Hive Location. All hives shall be located at least twenty-five (25) feet from any dwelling/primary structure on a neighboring property and at least ten (10) feet from any property line. All hives must be located in that portion of the yard behind the existing residence or other primary structure. Hives must have movable frames and have adequate space to prevent overcrowding and swarming. Hives may not be located inside a dwelling, garage, or any structure. Hives must at all times be maintained inaccessible to the general public.
- (G) Registration. Every beekeeper has to register with the Indiana Department of Natural Resources, Division of Etymology and Plant Pathology prior to April 1 of each year. In addition, every beekeeper has to successfully complete the Indiana State Beekeepers Association beekeeping school and provide ongoing documentation that they have met these requirements. Prior to the installation of any hive, the owner/tenant shall complete a registration form, a copy of which is attached hereto and incorporated by reference herein as Exhibit A, or as may be amended or supplemented in the future. Said registration form and the required accompanying documents must be provided to the Clerk-Treasurer and once provided, said registration shall be renewed every two (2) years thereafter.
- (H) Behavior. In all cases where the colony exhibits aggressive or swarming behavior, the beekeeper must re-Queen the colony immediately.
- (I) Queen. At all times, the beekeeper must keep a queen active in the colony.
- (J) Signage. A sign measuring no larger than 2' x 2' advising the public of the existence of apiaries on the property shall be located in the front yard of all properties upon which apiaries exist.
- (K) Residence. The beekeeper must reside on the premises where apiaries are maintained.
- (L) Penalty. The City reserves the right to take all reasonable actions to remedy any violation of this ordinance, including, but not limited to, the removal or destruction of any hive or colony that poses a threat to the public health, safety, or welfare, or creates a public nuisance or which has been abandoned. In addition, any person found to be in violation of the provisions set forth herein shall be subject to the penalties set forth in title IX, Chapter 90, § 90.99(D)(1).

SECTION III

Title IX, Chapter 90, § 90.99(D)(1) shall be modified by adding thereto the following:

Violation	Fine
90.14	\$100

SECTION IV

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

SECTION V

Introduced and filed on the ____ day of _____, 2019. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8. On the ____ day of _____, 2019, a motion to approve the above on second reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this ____ day of _____, 2019 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA

Voting Affirmative:

Voting Opposed:

Kerry Grass

Kerry Grass

Jeff Lowder

Jeff Lowder

Gary McDaniel

Gary McDaniel

Keely Butrum

Keely Butrum

Mitch Pendlum

Mitch Pendlum

Dan Riley

Dan Riley

Joe Skvarenina

Joe Skvarenina

ATTEST:

Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this ____ day of _____, 2019.

Lori Elmore, Clerk-Treasurer

Approved by me this ____ day of _____, 2019.

Chuck Fewell, Mayor
City of Greenfield, Indiana