

## SECTION 29

### BEEKEEPING REGULATIONS

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE ELSINORE TOWN MUNICIPAL CODE AND USES FOR ALL ZONING DISTRICTS OF THE ZONING ORDINANCE, A LAND USE ORDINANCE FOR ELSINORE TOWN.

#### PREAMBLE

WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax and other useful products; and,

WHEREAS, the Elsinore Town Council desires to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas; and

NOW, THEREFORE, be it ordained by the Mayor and City Council of the Town of Elsinore, Utah that the following definitions shall be added to the Elsinore Town Code:

**APIARY:** Any place where one (1) or more colonies of bees are located.

**APIARY EQUIPMENT:** Hives, supers, frames, veils, gloves, and other equipment used to handle or manipulate bees, honey, wax, or hives.

**BEE:** The common honeybee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

**BEEKEEPING:** To hold a colony of bees in a hive for the purpose of pollination, honey production, study, or similar purpose.

**COLONY:** Bees in any hive including queens, workers, or drones.

**FLYWAY BARRIER:** A solid fence or hedge used to encourage the flight of bees away from neighboring properties as described more specifically herein.

**HIVE:** A structure designed to contain one colony of honeybees. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

**BE IT FURTHER ORDAINED** by the Mayor and Town Council of the Town of Elsinore that the following shall be amended and added to Land Use Ordinances of the Elsinore Municipal Code:

**PURPOSE:**

The purpose of this section is to authorize beekeeping subject to certain requirements intended to eliminate problems that may otherwise be associated with beekeeping in populated areas.

**PROPERTY RESTRICTIONS**

Anyone applying for a permit to maintain beehives, or an apiary shall ensure that there are no recorded covenants, conditions, or restrictions preventing beekeeping activities on the property for which application is made.

**CERTAIN CONDUCT UNLAWFUL**

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety or creates a nuisance.

**HIVES ON RESIDENTIAL LOTS**

- A. No beehives shall be maintained on a lot less than twelve thousand (12,000) square feet in size. No more than four (4) hives shall be maintained per acre lot. Hives must be located in the side or rear yard.
- B. A person shall not locate nor allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

**HIVES**

- A. Hives shall be placed at least five feet (5') from any property line and six inches (6") above the ground, as measured from the ground to the bottom of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

**CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:**

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Central Utah health department, the most restrictive regulations shall apply.

**HOLD HARMLESS**

In order to promote the health, safety, prosperity, peace, order and comfort of the inhabitants of the Town, the governing body deems it necessary to participate in a mosquito abatement program with Sevier County. All property within the municipal boundaries of Elsinore Town are subject to this program regardless of the location of any apiary. The City and the County shall not be liable for the loss of any hives and any applicant shall sign a hold harmless agreement at the time of registering a hive.

**VIOLATIONS**

It shall be unlawful for any person to keep beehives in a manner that is contrary to the provisions of this ordinance or Utah State Law. Any such violation shall be a class C misdemeanor.