

KEEPING OF DOMESTIC BEES*

* **Cross References:** Animals and fowl, Ch. 5.

Sec. 12-77. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Africanized bees means "wild" bees that are overly aggressive and are more likely to sting in greater numbers.

Apiary means a place where one (1) or more bee colonies are kept.

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

Beekeeper means a person who owns or has charge of one (1) or more colonies of bees.

City means the City of Brenham, Texas, an incorporated municipality located in Washington County, Texas.

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

Hive means a structure intended for the housing of a bee colony. *Tract* means a contiguous parcel of land under common ownership.

Undeveloped property means any land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities or other structures or improvements intended for human use [or] occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-78. Certain conduct declared unlawful.

(a) The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(b) In addition to the requirements set forth in this article, all beekeepers shall maintain their bee colonies in a manner that complies with the provisions of state law codified in the Texas Agriculture Code, Title 6, Subtitle A, Chapter 131 - Bees and Honey.

(c) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for

any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-79. Hives.

All bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-80. Fencing of flyways.

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height, consisting of a solid wall, fence, dense vegetation, or combination thereof, that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-81. Water.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths, or other water sources where they may cause human, bird or domestic pet contact.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-82. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed from the hive and all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-83. Queens.

Each beekeeper must re-queen a colony at least once every two (2) years; however, a beekeeper must immediately re-queen a colony in any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming. Queens shall be clipped and marked so they are unable to swarm and can be easily located by a state beekeeping inspector upon inspection, and each beekeeper shall retain a record of the purchase of queen bees.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-84. Colony densities.

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

- (1) One-quarter (1/4) acre or less tract size--Two (2) colonies;
- (2) More than one-quarter (1/4) acre but less than one-half (1/2) acre tract size--Four (4) colonies;
- (3) More than one-half (1/2) acre but less than one (1) acre tract size--Six (6) colonies;
- (4) One (1) acre or larger tract size--Eight (8) colonies;
- (5) Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies;
- (6) Regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property there shall be no limit to the number of colonies.

(b) For each two (2) colonies authorized under the colony densities set out above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9 5/8) inch-deep ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-85. Marking hives; presumption of beekeeping.

(a) In each apiary the name and telephone number of the beekeeper shall be branded, painted or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper.

(b) Unless marked in accordance with subsection (a), it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract, setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-86. Authorization and right of entry of state beekeeping inspector; violation of article.

(a) For the purpose of enforcing the provisions of this article, the city health officer may at all

reasonable times enter in and upon any premises within his jurisdiction. The director of public works is hereby authorized to designate a state beekeeping inspector to exercise the powers and duties of the city health officer to enforce the provisions of this article and to investigate the condition of the bees and/or hives and, if necessary, collect samples of bees to determine if the bees are diseased and/or Africanized. All expenses of the state beekeeping inspector's services will be charged to the owner of the property on which the hives are located and a copy of the inspection report will be retained by the city.

(b) Any person or persons charged with any of the duties imposed by this article failing within the time designated by this article or within the time stated in the notice of the health officer, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of a misdemeanor and upon conviction in the municipal court of the city shall be subject to a fine of not less than one dollar (\$1.00) and not to exceed one thousand dollars (\$1,000.00) for each offense, and each and every day a violation continues, it shall constitute a separate offense.
(Ord. No. O-09-12, § 1, 6-18-09)