



MEMORANDUM

To: Mayor and Members of the City Council

From: Rich Olson, City Manager
Vivian White, City Clerk

Date: March 8, 2017

Re: Consideration – Call for a Public Hearing to Receive Comment on Proposed Amendments to Section 90.01 of the City’s Code of Ordinances

BACKGROUND:

In 2015, the General Assembly enacted NCGS § 106-645 (attached), which allows a city to adopt an ordinance regulating hives, but only if the ordinance (1) permits up to five hives on a single parcel within the city’s land use planning jurisdiction and (2) requires the hives to be placed at ground level or securely attached to anchor stands. The statute also provides that such an ordinance may regulate the placement of hives on a parcel, to include setbacks from property lines and between hives. Additionally, the ordinance may require the removal of the hive if the owner no longer maintains it or if removal is necessary to protect the public’s health, safety, and welfare. The statute also expressly bars counties from adopting or continuing in effect any ordinances or resolutions that prohibit persons or entities from owning or possessing five or fewer hives.

ANALYSIS:

Below, you will find the text of City Ordinance § 90.01 “Beehives” as presently written. You will note that a few minor changes should be made in order to comply with recently enacted state law. Those changes are shown in an add-delete format.

*City of Elizabeth City Code of Ordinances § 90.01 **BEEHIVES**.*

(A) Location of ~~bee~~hives and other enclosures. No person shall locate, construct, reconstruct, alter, maintain or use any hives or other enclosures for the purpose of keeping any bees on any lot or parcel of land within the city limits unless every part of such hive or enclosure is located at least 75 feet from any dwelling located on adjoining property. Any and all hives shall be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the city may permit the anchor or stand to be permanently attached to a roof surface.

~~(B) Number of hives or colonies. On lot sizes of 15,000 square feet or less, no more than four hives or colonies of bees or other bee-housing enclosures will be permitted. Up to five hives shall be permitted on a single parcel within the land use planning jurisdiction of the city.~~ The hives or other enclosures shall be at least 15 feet from any adjoining property line. On lots larger than 15,000 square feet, additional hives or other enclosures will be permitted on the basis of one hive or other enclosure for each 5,000 square feet in excess of 15,000 square feet.

(C) Type of bees. This section shall pertain only to honey bees maintained in movable frame hives or enclosures and it does not authorize the presence of hives or enclosures with non-movable frames or feral honeybee colonies (honeybees in trees, sides of houses and the like) which shall be unlawful under this section.

(D) Restrictions on manipulating bees. The hives or colonies or enclosures of bees may not be manipulated between the hours of sunset and sunrise unless the hives or enclosures are being moved to or from another location.

(E) Water source. No person shall establish or maintain any hive or other enclosure for purposes of keeping bees upon any lot within the city limits unless an independent water source is established and continuously maintained for the hive or other enclosure upon the same property on which the hive or other enclosure is located.

(F) The city may require removal of the hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

(G) For purposes of this section, the term "hive" has the same definition as in G.S. 106-635(15).

NOTE: According to G. S. 106-635(15), the term "hive" means any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

Staff views this matter as a “bookkeeping” task for the City’s Code and suggests that the Council call for a Public Hearing in order to adopt the amendment.

STAFF RECOMMENDATION:

By motion, call for a Public Hearing to be held on Monday, March 27, 2017 at 7:30 p.m. (or as soon thereafter as the agenda allows) in Council Chambers, 306 E. Colonial Avenue to receive public comment on proposed amendments to Section 90.01 of the City’s Code of Ordinances; and further instruct staff to reduce to writing for presentation on March 27, 2017 an ordinance effecting the changes as proposed herein.

RCO/vdw