

ARTICLE 6. SPECIFIC REQUIREMENTS GOVERNING HONEY BEE KEEPING

Sec. 5-51. Legislative findings.

- (a) The Common Council finds that honey bees can be maintained within populated areas without causing a nuisance, if honey bees are properly located, managed, and maintained.
- (b) Honey bees are a benefit to society by pollinating flowers, gardens and trees and thereby contributing to the local ecosystem; as well as furnishing honey, wax, and other useful products.
- (c) The regulations set forth in this article are in the best interests of the health, safety and welfare of the City.

Sec. 5-52. Definitions.

- (a) As used in this Article, the following words, terms and phrases shall have the meanings set forth herein:
 - (1) *Apiary* means the assembly of one (1) or more hives or colonies of honey bees at a single location.
 - (2) *Beekeeper* means a person who keeps honey bees in hive(s) which meet state approved requirements.
 - (3) *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
 - (4) *City* means the City of South Bend, Indiana.
 - (5) *Colony* means the entire honey bee family or social unit living together including the queen, workers and drones.
 - (6) *Flyway barrier* means fencing, dense hedging or a combination of the two (2), which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.
 - (7) *Hive* means a frame or structure used or employed as a domicile for honey bees which meet state approved requirements.
 - (8) *Honey bee* means the common domestic honey bee, limited to the *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.
 - (9) *Lot* means a piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:
 - i. A single lot or record; or
 - ii. A combination of complete lots of record.

Sec. 5-53. Honey bee keeping public safety regulations.

- (a) Any person desiring to raise the common domestic honey bee, limited to the *Apis mellifera* species, must comply with the following public safety regulations.
- (b) No hive shall exceed seventeen (17) cubic feet in volume.

(c) Location requirements.

- (1) Where a lot has a fence, hives must maintain a four (4) foot radial distance from the property line as measured from the center of the hive.
- (2) Where a lot does not have a fence, hives must maintain a four (4) foot radial distance from the lot line as measured from the center of the hive. The beekeeper must also install a flyway barrier of at least six (6) feet in height and no further than four (4) feet in front of the hive entrance.
- (3) In no event shall a hive be located closer than ten (10) feet from a public sidewalk or property line.
- (4) Colonies may be kept on flat roofs without setback or flyway barrier restrictions.
- (5) For a lot without a perimeter fence, a fence which surrounds the entire hive(s) shall be compliant with the zoning regulations set forth in South Bend Municipal Code § 21-02.11 and apiary practices.
- (6) A fresh supply of water shall be provided for all hives.

(d) No more than 2 active hives are allowed per ¼ acre.

(e) The honey bees and equipment shall be maintained in accordance with the applicable provisions of the Indiana Code and apiary practices addressing honey bees recommended by the State of Indiana's Apiary Inspector(s) with the Indiana Department of Natural Resources Department of Entomology Division of Entomology and Plant Pathology Purdue University being recognized on the official State of Indiana website.

(f) Proper destruction of hive steps

Sec. 5-54. Compliance required; penalties.

- (a) It shall be unlawful for any person to keep or maintain an apiary, hive, or colony in the City which is not in compliance with this Article.
- (b) No person shall move, tamper with, handle, or otherwise disturb or molest or cause to be moved, tampered with, handled, or otherwise disturbed or molested any colonies, materials, or appliances without a written permit from the Division of Animal Welfare or their duly authorized representatives.
- (c) Any person violating any of the provisions of this Article shall be issued a citation by the Division of Animal Welfare which provides for a fine of seventy-five dollars (\$75.00) per violation payable through the Ordinance Violations Bureau.
- (d) Each violation shall constitute a separate and distinct offense. Every day any violation of this Article shall continue shall constitute a separate offense.
- (e) Any apiary, hive or colony which threatens public health or safety; or creates a public nuisance; or which has been abandoned is unlawful. The City is authorized to take all reasonable action including removal and/or destruction of any apiary, hive or colony which is deemed necessary.

Secs. 5-55 – 5-59. Reserved.