

Section 6.2 - Honeybees and Apiaries

a) The purpose of this section is to establish certain requirements, consistent with Title 2 of Alabama law, of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of honey bees in populated areas.

(b) The keeping by any person of honeybee colonies or apiaries in the municipality not in compliance with this section and Chapter 14 of Title 2 of Alabama state law and the associated rules and regulations established by the Alabama Board of Agriculture and Industries is prohibited.

(c) The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them:

1. (1) Apiary shall mean a place where one or more honey bee colonies are kept.
2. (2) Honey bee shall mean any life stage of the common domestic honey bee, *Apis Mellifera* species.
3. (3) Colony shall mean a hive and its equipment and appurtenances, including honey bees, combs, honey, pollen, and brood.
4. (4) Hive shall mean a structure intended for the housing of a honey bee colony.
5. (5) Tract shall mean a parcel of land and any contiguous parcel of land under common ownership.

(d) All honey bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition.

(e) In each instance in which any colony is situated within twenty-five (25) feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the closest hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least ten (10) feet in height consisting of a solid wall, dense vegetation, or combination thereof that is parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least ten (10) feet above ground level over the property lines in the vicinity of the apiary.

(f) Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees housed in the apiary so that the honey bees are discouraged from congregating at swimming pools, pet water bowls, birdbaths, or other water sources where they may cause human or domestic pet contact.

(g) Any honey bee colony not utilizing a hive structure intended for beekeeping, or any swarm of honey bees or colony residing in a standard or homemade hive which, by virtue of its condition, presents a public nuisance or has been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by the municipality or its designee, such as a recognized Beekeepers Association.

(h) Any apiary or honey bee colony lawfully established prior to the effective date of this ordinance shall be deemed a legal nonconforming use, provided such use is not abandoned or expanded beyond its existing scope. However, all such existing beekeeping operations must be brought into conformity with the following provisions within twelve (12) months of the effective date of this ordinance:

1. Compliance with location requirements, including required setbacks.
2. Installation of appropriate flyway barriers as required in subsection (e).
3. Provision of a continuous water source in accordance with subsection (f).
4. Compliance with any applicable limitations on the number of colonies based on the size of the lot or tract.