

**CITY OF DEADWOOD
ORDINANCE 1423**

ORDINANCE #1420 ADOPTING CHAPTER 6.16, BEEKEEPING

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **ADOPTION** “CHAPTER 6.16 BEEKEEPING” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

CHAPTER 6.16 BEEKEEPING(*Added*)

SECTION 2: **ADOPTION** “6.16.030 Scope And Purpose” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.030 Scope And Purpose(*Added*)

The City of Deadwood recognizes the unique role bees play in maintaining the growth of the wide variety of plant species present in the Deadwood community. To balance the interests of those persons who desire to keep bees with those who might find unregulated beekeeping activities and the unrestricted presence of bees offensive, the City now adopts this ordinance.

SECTION 3: **ADOPTION** “6.16.040 Definitions” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.040 Definitions(*Added*)

As used in this chapter:

"Apiary" means any place where one or more colonies of bees are kept.

"Bees" means any life stage of the common honeybee, *Apis mellifera* L, or any other species of bees which is allowed in South Dakota by SDCL Chapter 38-18.

"Hive" means any frame hive, box hive, box, barrel, log gum, skep or any other container or combinations of such containers which may be used as a domicile for bees, with a total size not to exceed 36 inches wide, 36 inches deep and 78 inches high.

"Beekeeper" means a person who engages in hobby beekeeping within the City.

"Beekeeping" means the activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of bees within city limits.

SECTION 4: ADOPTION “6.16.050 Compliance With All Applicable Laws” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.050 Compliance With All Applicable Laws(*Added*)

Beekeepers shall register each hive and apiary they own, possess or manage within the City as required by state law. Beekeepers shall comply with all applicable federal and state laws, including but not limited to those provisions found within SDCL Chapter 38-18, South Dakota Administrative Rules Article 12:41, and city ordinances, including any applicable zoning regulations.

SECTION 5: ADOPTION “6.16.060 Required Location Of Hives” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.060 Required Location Of Hives(*Added*)

- A. **PROXIMITY TO RESIDENCES.** No person shall establish or maintain any hive or keep any bees on the premises within 15 feet of any dwelling. This restriction does not apply to residences occupied by a beekeeper residing on the same tract, lot, or parcel where the hive is located.
- B. **HIVE PLACEMENT.** All hives shall be placed appropriately on the tract, lot, or parcel so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of people on adjacent property or in the public right-of-way. Hives shall not be placed within any setback applicable to the zoning district as found in Title 17. Hives shall not be placed within any drainage easement on the property. In addition, the front of the hive shall face away from the nearest property line, sidewalk, and/or right-of-way, whichever is closest. However, the "facing" requirement shall not be applicable if sufficient screen exists, as described in subsection C below, between

the hive and the closest property line, side walk or right-of-way.

- C. SCREENING. Hobby beekeepers are encouraged to use screening which meets or exceeds accepted industry standards between the hive and neighboring lots, sidewalks and/or rights-of-way, such as fences, hedges, walls or similar barriers to inhibit interference between bees and persons on adjacent sidewalks, rights-of-way and property. Such screens may require formal review for compliance with City Ordinances.

SECTION 6: **ADOPTION** “6.16.070 Apiary Management” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.070 Apiary Management(*Added*)

A beekeeper shall:

- A. Provide an adequate and convenient source of water at all times to the bees on the property on which the apiary is located, to prevent bees from congregating at other water sources where they may come into contact with humans and animals and the water shall be maintained so as not to become stagnant; and
- B. Maintain and manage such hives so as not to create a nuisance; and
- C. Ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

SECTION 7: **ADOPTION** “6.16.080 Colony Densities” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.080 Colony Densities(*Added*)

In addition to the location requirements set forth above, it shall be unlawful to keep more than one colony in a hive on any tract, lot, or parcel within the City. However, if the perimeter of the lot on which one or more hives are placed permits all hives to be located at least 100 feet from all property lines, the maximum number of hives which may be placed on that lot shall not exceed the number permitted by South Dakota Laws and Administrative Rules of the South Dakota Department of Agriculture. For each two colonies authorized above, there may be maintained upon the same tract one nucleus colony 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 30 days after the date it is acquired.

SECTION 8: **ADOPTION** “6.16.090 Nuisance Prohibited” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.090 Nuisance Prohibited(*Added*)

Notwithstanding complete compliance with the requirements of this chapter, it shall be unlawful for any person to keep any colony or colonies in such a manner, or bees of such a disposition, as to cause any unhealthy condition, interfere with the normal use and enjoyment of private property by residents and domestic animals, interfere with the normal use and enjoyment of public property by persons within the community or which in any manner constitutes a nuisance to others. Public nuisances under this Section shall be subject to the abatement provision of Title 8 of City Ordinances, or may be abated in accordance with provisions in state law. If a colony is found to be a nuisance, the beekeeper must relocate or destroy all hives, at the beekeeper's expense, within a maximum of 30 days of receipt of written notice that a nuisance exists.

SECTION 9: **ADOPTION** “6.16.100 City Not Liable” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.100 City Not Liable(*Added*)

The City shall not be liable for any damages to bees, hives, colonies, or beekeeping operations resulting from the City's use of spray to kill pests or weeds, or other legal use of the same, on public rights-of-way, public property, city property or in other approved areas.

SECTION 10: **ADOPTION** “6.16.110 Liability” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.110 Liability(*Added*)

The owner of the property upon which the hive and/or colony is located and the owner of the bees on the property shall share equally in the responsibility to ensure the bees and hive are maintained in an acceptable manner.

SECTION 11: **ADOPTION** “6.16.120 Penalties” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.120 Penalties(*Added*)

- A. The violation of Chapter 6.16 shall be considered a Class II misdemeanor.
- B. If there is an immediate threat to public safety as a result of any violation of this chapter, the City shall have the authority to remove or re-locate the hive or colony which is the source of the threat. In addition where such a threat to public safety exists, the City may direct and require the beekeeper of said hive or colony to destroy and/or relocate said hive or colony at the beekeeper's expense. The term "threat to public safety" shall include but is not limited to a circumstance when there is a colony not residing in a hive structure intended for beekeeping; or a dangerous swarm of bees that poses an immediate risk to the safety of humans; or a colony residing in a man-made hive which is not properly registered by state law, licensed with the city or which, by virtue of its apparent condition, appears abandoned by a beekeeper.
- C. In order to obtain a license from the City to keep bees, the applicant must agree to indemnify and hold the City of Deadwood harmless for the destruction of bees and/or a bee hive if it is deemed to be a threat to public safety under this code of section.
- D. Any violation of this chapter may result in revocation of the beekeeper's city license after notice and an opportunity for a hearing before the city commission.

SECTION 12: **ADOPTION** “6.16.010 License Required” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.010 License Required(*Added*)

- A. No person may engage in beekeeping within the City of Deadwood without first having obtained from the city commission a license therefore.
- B. Any person desiring a license for beekeeping shall make a written application therefore to the city commission upon blank applications to be furnished by the Finance Office. The application shall contain the full name and address of the owner, the location of the hive or apiary, and acknowledgement of the conditions of this

chapter.

SECTION 13: **ADOPTION** “6.16.020 License Fee” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

6.16.020 License Fee(*Added*)

All fees related are listed in the city fee schedule, which is set and amended by resolution.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood