

ORDINANCE NO. 1745

AN ORDINANCE AMENDING A THE KETTLE FALLS MUNICIPAL CODE ALLOWING THE KEEPING OF BEES

WHEREAS the keeping of bees as a hobby in the city limits supports a local, sustainable food system. The keeping of bees also provides honey and pollination.

WHEREAS the Kettle Falls Planning Commission has developed standards for the keeping of bees.

WHEREAS the Kettle Falls City Council has determined that creating licensing standards and requirements will ensure that hobby bee keeping will not adversely impact neighborhoods surrounding the property on which bees are kept and will be beneficial to the public health, safety and welfare, is in the public interest; and

WHEREAS the Kettle Falls City Council finds that the adoption of plans, regulations or ordinances for non project proposals are categorically exempt from the SEPA review process. **NOW THEREFORE:**

THE CITY COUNCIL OF KETTLE FALLS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: A new subsection of the Kettle Falls Municipal Code

Section 17.02.020: Zoning Matrix

TABLE 17.02.020: Zoning Matrix	SR	LDR	SFR	MH	RD	MFR	C-1	C-2	C-3	I	HI
Agriculture, Silvicultural and Related Rural Uses											
Beekeeping, Hobby	X	X	P	X	X	X	X	X	X	X	X

Section 17.03.130: The Keeping of Bees

A. The keeping of bees is permitted in the Single Family Residential (SFR) zone as an accessory use to any principal use subject to the standards of this section.

Section 17.03.131: Permit Required.

A. An annual permit is required for the keeping of bees in the City of Kettle Falls. The fee for an annual permit is ten dollars (\$10.00). The permit may be issued after a satisfactory inspection by the City of Kettle Falls that the following standards have been met.

Section 17.03.132: Standards Applicable to Beekeeping.

A. Location, Density and Maintenance of Colonies.

1. The minimum lot size where colonies may be kept is six thousand square feet. The number of colonies is limited to two colonies per six thousand square feet of lot area, up to a maximum of six colonies on lots of twelve thousand square feet or larger.
 - a. The beekeeper establishes and maintains a flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony, or
 - b. The colony is situated ten feet or more above the grade of the nearest adjoining property line.
 - c. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding and swarming.
 - d. In any instance in which a colony exhibits aggressive or swarming behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.
 - e. Every beekeeper shall maintain an adequate supply of water for bees located close to each colony.
 - f. An apiary (for beekeeping) shall be identified by placing a sign so it is visible to passers-by.
 - g. Registrations and Training.
2. All colonies shall be registered with the director of the State Department of Agriculture pursuant to RCW 15.60.021 no later than April 1st of each year. Copies of the registration must be submitted to the city annually for proof of compliance.

B. The beekeeper shall be currently enrolled in or have completed the requirements for apprenticeship level of the Washington State Beekeeper's Association master beekeeper certification program and submit proof of compliance to the city.

C. The beekeeper shall maintain membership with the Inland Empire Beekeepers Association or other comparable organization. Demonstration of continuous membership must be submitted to the city for proof of compliance.

1. There will be an annual application and annual permit fee to inspect site for compliance with these standards.
2. Violations of these standards are subject to a monetary penalty of up to \$100. If a violation is validated and the situation is not brought into compliance to the satisfaction of the City of Kettle Falls, then the permit will be revoked. The colonies must be removed. Any approved reinstallation of colonies will be subject to a one-year probationary period. If violations continue to occur, future applications may be denied.

D. Application for permit must also include signed concurrence letters from adjacent property owners agreeing to the keeping of bees.

Section 17.03.135: Application for Permit

- A. Complete and file an application on a form prescribed by the City of Kettle Falls.
- B. The City of Kettle Falls shall deny a permit if the applicant has not demonstrated compliance with all the provisions of this code.
- C. A permit to keep bees may be suspended or revoked by the City of Kettle Falls where there is risk of public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law.
- D. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Section 17.03.136: Appeal

- A. A person appealing the denial, suspension or revocation of a permit by the City of Kettle Falls may appeal to the City Council within thirty (30) days of the decision being appealed.

Section 17.03.137: Penalty

- A. In addition to any other enforcement action which the city may take, violation of any provision of this section shall be a civil violation and a fine not exceeding one-hundred (\$100) may be imposed. Each day the violation continues will be treated as a separate offense.

Section 17.03.138: Removal of Bees

- A. In addition to the penalty, any violation of the provisions of this section or of the permit shall be grounds for an order from the City of Kettle Falls to remove the Bees and the related structures.

Section 17.03.13 9: Severability

- A. In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

Section 2: Effective Date. This ordinance shall be in full force and effect five days after its passage.

Approved:


Dorothy Slagle, Mayor

Attest:

Raena L. Hallam

Raena L. Hallam, Clerk/Treasurer

Approved as to form:

Charlie Schuerman

Charlie Schuerman, City Attorney
MCGRAW & SCHUERMAN, PLLC

The foregoing ordinance was presented for adoption by Council Member Bonnie Bradley and seconded by Council Member Debbie Gaskin. Upon a vote, there were 3 ayes, and 2 nays and 0 absent.