

ORDINANCE NO. 4615

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING SECTION 5.30.040 OF THE ELLENSBURG MUNICIPAL CODE AND ADDING A NEW SECTION 5.30.260 ENTITLED "BEEKEEPING."

WHEREAS, many cities throughout the state of Washington and the United States permit the keeping of honeybees within city limits for educational and hobby purposes and for a healthier environment; and

WHEREAS, beekeeping within the Residential Low (R-L) and Residential Suburban (R-S) zones is an appropriate activity in the City, subject to reasonable regulations; and

WHEREAS, it is reasonable that such regulations include standards for beekeeping in a manner that will take into account the health, peace and safety of the general public and which will provide for appropriate hive placement and management,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ellensburg Municipal Code Section 5.30.040, as last amended by Ordinance No. 4538 is hereby amended to read as follows:

5.30.040 Definitions.

As used in this chapter, the following terms mean:

- A. "Altered" means, as used herein, a neutered male animal or a spayed female animal.
- B. "Animal" means any live, nonhuman species of mammal, bird, reptile or amphibian, domestic, wild or exotic.
- C. "Animal control authority" means the division of the Ellensburg police department vested with responsibility for enforcement of the animal control laws of the city and state and the shelter and welfare of animals.
- D. "Animal control officer" means any person employed or appointed by the city of Ellensburg or the Ellensburg police department to enforce the provisions of this chapter or any other law or ordinance relating to the licensing, care and control of animals, or seizure and impoundment of animals. An animal control officer shall have the same powers granted to animal control officers as set forth in Chapter 16.52 RCW.

E. "Animal shelter" means the city's facility or contracted provider facility operated for the purpose of impounding animals under the authority of this chapter or state law for care, housing, consignment, return to owner, adoption, or euthanasia.

F. "Apiary" means the assembly of one or more colonies of bees at a single location.

FG. "At large" means to be off the premises of the owner and not under the control of a competent person authorized by the owner, whether by leash or otherwise; but an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

H. "Beekeeper" means a person owning, possessing or controlling one or more colonies of bees.

I. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

GJ. "Chicken" means a member of the species Gallus gallus (G. gallus domesticus), a common domestic fowl.

HK. "City" means the city of Ellensburg.

L. "Colony or Hive" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

IM. "Dangerous animal" means any animal that (1) inflicts severe injury on a human being without provocation on public or private property, (2) kills a domestic animal without provocation while the animal is off the owner's property, or (3) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans.

JN. "Domestic animal" means any animal that is usually tamed and bred by humans.

KO. "Exotic animal" means any animal which is not commonly domesticated or which is not native to or usually found in the United States, including:

1. All wild cats of the family Felidae and their hybrid, except for the domestic cat, Felis catus;
2. All species of bear;
3. All wild carnivores of the family Canidae (such as wild dogs, wolves, coyotes, jackals or foxes) and their hybrid, except for the domestic dog, Canis familiaris;
4. Venomous reptiles and amphibians;

5. All reticulated pythons, Burmese pythons and snakes which may reach 10 feet or more in length;

6. All members of the families Alligator (Alligator), Crocodile (Crocodylus) and Caiman (Crocodylus);

7. All nonhuman primates; and

8. All marsupials.

LP. "Harbor" means to perform any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Q. "Honeybee" means all life stages of the common domestic honey bee, *Apis mellifera* species.

MR. "Livestock" means an animal usually found on a farm, including, but not limited to, horses, mules, bovine animals, sheep, goats, llamas, ostriches and swine; except "livestock" shall not mean miniature pot-bellied pigs.

NS. "Owner" means any person harboring an animal, having an interest in or right of possession to an animal, or any person having control, custody or possession of any animal, or by reason of the animal being seen consistently at a location, shall be presumed to be the owner.

OT. "Person" means an individual, partnership, firm, corporation, association, or other legal entity.

PU. "Potentially dangerous animal" means any animal that when unprovoked: (1) inflicts bites on a human or domestic animal either on public or private property, or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

V. "Requeen" means to replace a queen in a hive, usually to replace an old queen with a young one.

QW. Restraint. An animal is considered to be under restraint if it is secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property and/or vehicular property limits of its owner or other authorized person.

RX. "Vicious" means the propensity to do any act that might endanger the safety of a person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play, or outbreak of untrained nature.

SY. “Wild animal” means an animal living in its natural state and native to the United States and not normally domesticated, raised or bred by humans, except the following: human beings, domestic dogs (excluding hybrids with wild dogs, wolves, coyotes, foxes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, captive-bred species of common cage birds and other commonly owned pets such as goldfish. [Ord. 4538 § 1, 2009; Ord. 4481 § 2, 2007; Ord. 4235, 2000; Ord. 3688 § 1, 1990.]

Section 2. A new section entitled “5.30.260 Beekeeping” is hereby added to the Ellensburg Municipal Code to read as follows:

5.30.260 Beekeeping.

A. The intent of this section is to establish standards for beekeeping in a manner which will not endanger the health, peace and safety of the citizens of the city and which will assure that bee hives are appropriately placed, maintained and managed. This section is enacted for the welfare of the public as a whole and not for any specific individual, group or class.

B. The keeping of bees for accessory use is permitted in the Residential Low (R-L) and Residential Suburban (R-S) zones, subject to the requirements in subsections B, C and D of section 5.30.260:

1. Number of Hives Allowed:

(a) No more than four production colonies or hives are allowed on properties 7,000 square feet or larger within the Residential Low (RL) and Residential Suburban (RS) zones.

(b) Properties less than 7,000 square feet shall be limited to two production colonies or bee hives.

2. Hive Placement Requirements:

(a) Hives shall not be located within 10 feet of any side or rear lot line and shall be screened by a fence or vegetation at least six (6) feet in height;

C. Hive, Apiary Management Requirements:

(1) All hives shall be registered with the Department of Agriculture and comply with Chapter 15.60 RCW and rules adopted thereunder;

(2) All hives shall consist of moveable frames and combs, unless exempted by the Department of Agriculture;

(3) Hives shall be managed for swarm prevention and gentleness;

(4) Hives shall be requeened if bee behavior is likely to cause a nuisance;

(5) A consistent source of water shall be provided at the apiary when bees are flying unless it occurs naturally. The water may be "sweetened" with mineral salt or chlorine to enhance its attractiveness. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths or where people congregate;

(6) Apiaries shall be managed and kept in a clean and orderly manner and appearance to prevent a nuisance;

(7) Hives shall not be placed where they are a threat to animals who are chained or penned up and cannot flee if they are attacked;

(8) An apiary shall be identified by placing a sign so it is visible to passersby. Sign lettering shall be a minimum of two (2) inches in height and shall include the owner's name, state issued identification number, and telephone number. Signs shall be placed in a manner to make them conspicuous to anyone approaching the apiary. The characters shall be in a color which contrasts with the color of the hive, and be conspicuous to anyone approaching the apiary.

D. Nuisance: Bees shall be considered a nuisance and be subject to abatement under the provisions of ECC 5.30.140 when any of the following occurs:

(1) Colonies of bees are defensive or exhibit objectionable behavior, or interfere with the normal use of property, or the enjoyment of persons, animals or property adjacent to an apiary;

(2) Colonies of bees swarm;

(3) Hives of bees do not conform to this Code;

(4) The hive becomes deceased, as defined by the Department of Agriculture; or

(5) The hive becomes abandoned by its beekeeper.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in force (5) five days after its passage, approval and publication.


The foregoing ordinance was passed and adopted at a regular meeting of the City Council

on the 16th day of April, 2012.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISH: April 19, 2012

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4615 is a true and correct copy of said Ordinance of like number of said City as the same was passed by said Council, and that Ordinance No. 4615 was published as required by law.

COREEN M. RENO, CMC