

AGENDA

CANFIELD CITY COUNCIL

July 5, 2017 -5:30 P.M.

FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Approval of Minutes.
5. Reading of Communications.
6. Reports of Committees, Boards, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Foreman.
7. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
8. Recognition of Persons Desiring to Appear Before Council.

9. OLD BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

- A. An **Ordinance** to Establish Section 505.17 of the Codified Ordinances of Canfield, Ohio, Entitled Bees.

Public Comments

10. NEW BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

11. Council Comments.

12. Adjournment.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____

First Reading: _____

AN ORDINANCE TO ESTABLISH SECTION 505.17 OF THE CODIFIED ORDINANCES OF CANFIELD, OHIO ENTITLED BEES

WHEREAS, City Council recognizes that honey bees can be maintained within the City, if the honey bees are properly located, managed and maintained, and

WHEREAS, in order to preserve the safety and security of the community, it is necessary to enact a new Section of the Codified Ordinances to address the keeping of bees in the City;

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO, THAT:

Section 1. Section 505.17 is hereby enacted and shall read:

505.17 BEES.

(a) **General Requirements.** The keeping of honeybees is permitted in all zoning districts in the City, if the colony or colonies are (i) registered with and maintain a valid certification with the Ohio Department of Agriculture, (ii) meet all of the requirements of this Section, and (iii) obtain an Apiary permit from the City and pay the applicable permit fee as established by Council from time to time.

(b) **Definitions.** As used in this section, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. **Apiary**—The assembly of one or more colonies of bees at a single location.

2. **Beekeeper**—A person who owns or has charge of one or more colonies of bees.

3. **Beekeeping Equipment**—Anything used in the operation of an Apiary, including but not limited to hive bodies, storage units, frames, top and bottom boards and extractors.

4. **Colony/Hive**—An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

5. **Honey Bee**—All life stages of the common domestic honey bee, *Apis Mellifera* species.

6. **Tract**—A contiguous parcel of land under common ownership.

7. **Undeveloped Property**—Any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(c) **Specific Requirements.**

1. **Purpose**—The purpose of this section is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

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2. Other Beekeeping Unlawful—Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner, or of such disposition, as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

3. Hive Type—All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition. Hives/Colonies shall be located in rear yards only and set back a minimum of ten (10) feet from all adjacent property lines.

4. Flyways—In each instance in which any colony is situated within 25 feet of a public or private property line as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway containing a barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

5. Water—Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at other water sources where they may cause human, bird or domestic pet contact.

6. General Maintenance—Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their 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.

7. Queens—In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

8. Colony Density—

a. It shall be unlawful to keep more than 2 colonies on any tract within the city.

b. It shall be presumed for the purposes of this section that the beekeeper is the person who owns or otherwise has the present right of possession and control of the lot upon which a hive or hives are situated.

(d) **Compliance.**

a. Upon receipt of information that any colony situated within the City is not being kept in compliance with this section, the zoning inspector shall cause an investigation to be conducted. The zoning inspector shall have the right to consult with the Mahoning County Bee Inspector in all aspects with regards to the enforcement of this Ordinance. If the Zoning Inspector finds that grounds exist to believe that one or more violations have occurred, he/she shall issue a citation to the beekeepers.

b. A separate citation may be issued to a beekeeper once a day until such time as the bees or colonies are relocated or destroyed, removed, or the violation is corrected.

c. The provisions of this section shall not prevent the City from destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. Such circumstances may occur when there is (1) a bee colony not residing in a hive structure intended for beekeeping, (2) a dangerous swarm of bees that poses an immediate risk to the safety of humans, or (3) a colony

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residing in a hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

(e) **Penalty.** Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. In addition, any violation of this Section shall result in the immediate removal or relocation of all hives.

Section 2. That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield

PASSED IN COUNCIL THIS _____ day of _____, 2017.

PRESIDENT OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: _____

CLERK OF COUNCIL

APPROVED TO FORM:

MUNICIPAL ATTORNEY

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____