

**ORDINANCE NO. 1184**

**AN ORDINANCE CREATING A NEW SECTION OF THE DRAPER CITY MUNICIPAL CODE, TO BE IDENTIFIED AS SECTION 9-27-240, ALLOWING FOR BEEKEEPING IN ALL SINGLE-FAMILY RESIDENTIAL ZONES WHILE ESTABLISHING REGULATIONS THAT WILL HELP AVOID POTENTIAL PROBLEMS ASSOCIATED WITH THE KEEPING OF BEES IN POPULATED AREAS**

**WHEREAS**, Section 9-3-040 of the DCMC (Definitions) lists the use “apiaries” as one of the activities under the term “Animal Specialties,” but the code is otherwise silent on where this activity may be conducted and how it should be regulated;

**WHEREAS**, the City from time to time receives requests from residents wishing to engage in this activity, but are denied permission to do so because the code contains no regulations to ensure that the use will be conducted responsibly and without becoming a nuisance to the surrounding neighborhood; and

**WHEREAS**, staff has researched other city codes containing beekeeping regulations and has borrowed from them to create an ordinance best suited for Draper; and

**WHEREAS**, the proposed text amendment is in harmony with the adopted General Plan, and will not be detrimental to the health, safety and general welfare of the community and its citizens; and

**WHEREAS**, the proposed text amendment has been reviewed by the Planning Commission and City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revision.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Findings.** In adopting this addition to Chapter 9-27 the City Council finds: 1) that well-maintained apiaries benefit mankind by providing agriculture, fruit, and garden pollination services; 2) that in the last 50 years the domesticated honeybee population, on which mankind depends for successful agricultural production, has experienced a dangerous decline; 3) that the regulations outlined in the proposed text amendment will mitigate any potential problems associated with the keeping of bees in populated areas; 4) that this amendment includes verbiage providing for regular city inspections to ensure compliance with all beekeeping regulations; and 5) that Joey Caputo, Apiary Inspector with the Utah Department of Agriculture and Food, has reviewed the proposed text amendment and has suggested some modifications, all of which have been incorporated into the submitted draft.

**Section 2. Amendment.** Chapter 9-27 of the DCMC is hereby amended by the addition of a new section identified as Section 9-27-240. The language of the new code is contained in Exhibit A of this document.

**Section 3. Severability.** If any section, part or provision of this ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance, and all sections, parts and provisions of this ordinance shall be severable.

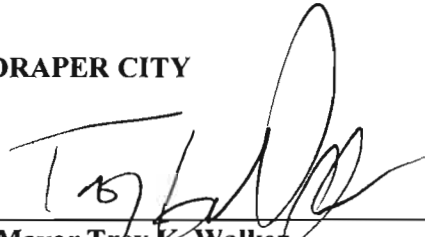
**Section 4. Effective Date.** This ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,  
THIS 12<sup>th</sup> DAY OF JANUARY, 2016.**

**ATTEST:**

**DRAPER CITY**

  
\_\_\_\_\_  
**Rachelle Conner, MMC, City Recorder**

  
By: \_\_\_\_\_  
**Mayor Troy K. Walker**



## EXHIBIT A

### 9-27-240 Ownership and Maintenance of Apiaries.

(a) Purpose. The purpose of this ordinance is to establish certain requirements of sound beekeeping practice that are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(b) Apiary Standards.

(1) It is unlawful to maintain apiaries in Draper unless the following standards are met.

(2) Hive(s) shall be placed on property so that the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals on adjacent property or areas of public access. When hive(s) are located within 20 feet of a property line or public right-of-way, a five-foot high flyway barrier is required. When hives(s) are located within five feet of the property line, the opening of the hive shall not face the property line. Hive(s) shall not be permitted in front yards. On lots that are 10,000 square feet or less, hive(s) shall not be permitted in side yards.

(3) Hive(s) shall be supplied with adequate accessible fresh water continuously between March 1 and October 31 of each year. The water shall be in a location minimizing the nuisance created by bees seeking water on neighboring property.

(4) A person shall not locate or allow hive(s) on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

(5) Lots may contain one hive per 4,000 square feet, with the number of hives rounded down to the nearest whole number. Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies.

(c) An apiary is permitted in all single-family residential zoning districts subject to compliance with the Salt Lake City-County Health Department, General Sanitation Regulations, Section 4.12, or its successor relating to honeybee management.

(d) Each beekeeper shall be registered with the Utah Department of Agriculture and Food. Hive(s) shall be operated and maintained as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah State Code, as amended. Hive(s) on property not owned by the beekeeper shall be conspicuously marked with the state registration number.

(e) Inspection. A designated city official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

**Affidavit of Posting**

**SALT LAKE/UTAH COUNTY, STATE OF UTAH**

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1184** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 12<sup>th</sup> day of January, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

**Posted:** January 14, 2016, through February 2, 2016

City Seal



A handwritten signature in blue ink, which appears to read "Rachelle Conner". The signature is written in a cursive style and is positioned above the printed name.

Rachelle Conner, MMC  
City Recorder  
Draper City, State of Utah