

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 9

Series of 2009

INTRODUCED BY COUNCILMEMBERS: Taylor and Brinkman

**AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, AMENDING LITTLETON CITY CODE
SECTIONS 10-1-2 AND 10-3-2 AND ADDING SECTION 10-4-
14 RELATED TO BEEKEEPING**

WHEREAS, the practice of beekeeping is currently only allowed in Zone Districts A-1, R-S and R-L, which are areas zoned specifically for the raising of livestock, Section 10-3-2 of the Littleton City Code; and

WHEREAS, the City Council desires to allow beekeeping as an accessory use in the R-E, R-1, R-2, R-3, R-3X, R-4, R-5, MH, B-P, T, B-1, B-2, B-3, CA, STP, I-P, I-1, I-2, CEM and OS Zone Districts.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LITTLETON, COLORADO, THAT:**

Section 1: Littleton City Code section 10-1-2 is amended as follows:

LIVESTOCK: Animals commonly associated with agricultural use such as, but not limited to, horses, cows, sheep, goats, pigs, chickens, ducks, geese, turkeys and other poultry, ~~and bees~~.

Section 2: Littleton City Code section 10-3-2 is amended to add a new land use category 2.70 for beekeeping and designate beekeeping as a permitted use in A-1, R-S and R-L and as an accessory use in R-E, R-1, R-2, R-3, R-3X, R-4, R-5, MH, B-P, T, B-1, B-2, B-3, CA, STP, I-P, I-1, I-2 and CEM.

Section 3: Littleton City Code section 10-2-24(B) is amended to add: "5. Beekeeping in conformance with Section 10-4-14." and to renumber "5. Conditional Uses:..." to "6".

Section 4: Littleton City Code section 10-4-14 is hereby enacted to read as follows:

10-4-14: BEEKEEPING.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:

(1) *Apiary* shall mean a place where one or more bee hives are kept.

(2) *Bee* shall mean the adult stage of the common domestic honey bee, *apis mellifera* species.

(3) *Beekeeper* shall mean any person who owns or maintains a bee colony.

(4) *Colony* shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

(5) *Hive* shall mean a structure intended for the housing of one bee colony. A hive, including the attached honey supers, shall not exceed 12 cubic feet in size.

(6) *Robbing* shall mean the pilfering of honey from a weak colony by other honey bees or insects.

(7) *Tract* shall mean a contiguous parcel of land under common ownership.

(b) *Hives*. All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.

(c) *Setback*. All hives shall be located at least five (5) feet from any adjoining property with the back of the hive facing the nearest adjoining property.

(d) *Fencing of flyways*. In each instance in which any colony is situated within twenty-five (25) feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall or fence parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

(e) *Water*. Each property owner or beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.

(f) *Maintenance*. Each property owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing 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.

(g) *Queens*. In any instance in which a colony exhibits usually aggressive characteristics by

stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(h) *Colony densities.*

(1) It shall be unlawful to keep any colony on a multiple family lot or to keep more than the following number of colonies on any tract within the City, based upon the size or configuration of the tract on which the apiary is situated:

- (a) Less than one-half (1/2) acre lot size – four (4) colonies;
- (b) One-half (1/2) acre or more but less than one (1) acre lot size – six (6) colonies;
- (c) One (1) acre or larger lot size – eight (8) colonies;
- (d) Regardless of lot size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(2) For each two (2) colonies authorized under colony densities, subsection (h)(1) above, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9 5/8) inch depth ten (10) frame hive body with no supers attached 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 thirty (30) days after the date it is acquired.

(i) *Prohibited.* The keeping by any person of bee colonies in the City not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the City by the city manager or designee.

Section 5: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 6: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

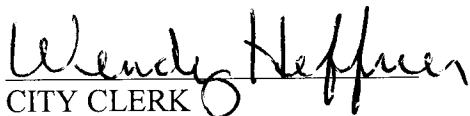
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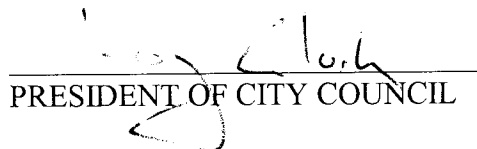
INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 5th day of May, 2009, passed on first reading by a vote of 5 FOR and 2 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 19th day of May, 2009, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 5 FOR and 0 AGAINST on the 19th day of May, 2009 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:


CITY CLERK


PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:


CITY ATTORNEY