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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 90: ANIMALS AND FOWL TO ALLOW HOBBY BEEKEEPING IN S-1 GENERAL INSTITUTIONAL AND S-2 INSTITUTIONAL CAMPUS PUD DISTRICTS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 90.100 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 90.001 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANIMAL CONTROL OFFICER. A person designated by the chief of police to work with law enforcement officials in the enforcement of this chapter.

ANIMAL SHELTER. A building and facilities therein approved by the chief of police and the health authority for the impounding of animals.

ANTI-ESCAPE. Any housing, fencing, or device that a guard dog cannot go over, under, through, or around.

APIARY. Any place where one or more colonies of honeybees are kept.

APPARENT ATTITUDE OF ATTACK. Threatening and overtly aggressive actions of an animal that places a reasonable person in imminent fear of bodily injury, including, but not limited to, snarling, growling, elevated or exaggerated noise, combined with an attack-ready body position when the animal is approached.

AT LARGE.

(1) An animal when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his or her immediate family by a leash.

(2) An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.

BEEKEEPER. A person who owns or has charge of one or more colonies of honeybees.

CHIEF OF POLICE. The chief officer of the city police department or his or her designee.

COLONY. The honeybees in any hive, including queens, workers, and drones.

COMMERCIAL PROPERTY.

(1) A portion of land or building zoned for or utilized for commercial or business uses, within the city, including temporary sites.

(2) Any vehicle utilized for commercial or business purposes within the city.

DOMESTIC ANIMAL. Any animal that through long association with man has been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind.

EXOTIC ANIMAL. Any animal not occurring naturally in the United States either currently or historically. Alleged domestication of any exotic animal shall not affect its status under this definition.

FLYWAY BARRIER. A solid fence, wall, dense vegetation, or combination thereof that is at least six (6) feet in height that requires the bees to fly over, rather than through the barrier.

FOWL. Chickens, ducks, geese, turkeys, pheasants, quail, partridge, guineas, or other like domestic birds.

GUARD DOG. Any dog that is utilized to protect commercial property, or is housed unattended on commercial property at any time other than normal business hours, except that the definition shall not apply to pet stores, boarding kennels, veterinary offices, and animal shelters.

HANDLER. A person who is responsible for and capable of controlling the operations of a guard dog.

HEALTH AUTHORITY. The health officer of the city or his or her authorized representative.

HIVE. Any frame hive, box hive, box, barrel, log gum, skep, or any other container that may be used as a domicile for honeybees.

HOBBY BEEKEEPER. A person who engages in hobby beekeeping.

~~HOBBY BEEKEEPING.~~ ~~The activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of honeybees.~~

HONEYBEES. Any insect stage of the common honeybee, *Apis mellifera* L. This definition excludes African subspecies and Africanized hybrids.

HOUSING. Any location where the guard dog is kept when not being utilized for protection purposes.

LEASH. A cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

LIVESTOCK. Any species of animal other than fowl commonly used for food, fiber, or draft purposes.

NONDOMESTIC ANIMAL. Any animal that is not domestic.

OWNER. Any person harboring or keeping an animal and who is the head of the household of the residence or any adult residing thereat if any head of household is not present, or the person, owner, or manager in charge of the establishment or premises at which an animal remains or returns to.

PET. Any domestic animal kept in or near a household for the primary purpose of companionship for member(s) of the household and/or companionship for other such animals. This includes dogs, cats, guinea pigs, hamsters, rats, mice, ferrets, birds other than fowl, reptiles, amphibians, invertebrates, and species that a reasonable person would consider a pet. Fowl, rabbits, and livestock are not pets. The keeping of fowl, rabbits, or livestock including, but not limited to, swine, cattle, cows, sheep, horses, mules, or goats shall not be governed by this section of the code but shall be governed by other applicable sections of this code.

SLAUGHTER. The act of killing fowl, rabbits, livestock, or any other animal for the purpose of food.

UNNATURAL FOOD SOURCE. Any amount of grain, fruit, vegetables, nuts, hay, salt, mineral, food blocks, or other similar edible material which has the effect of attracting deer for the purpose of eating the material. **UNNATURAL FOOD SOURCE** does not include growing plants or the natural remainders of the growing plants.

Section 2. That Section 90.100 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 90.100 PERMIT REQUIRED.

(a) No person shall establish or maintain any hive or colony~~hobby beekeeping may occur on any property in the city~~ unless the city issues a permit allowing the applicant to establish and maintain a colony on the property he/she owns.~~the beekeeper on that specific property owned by the applicant.~~ Exception: If the principal use of the property is a college, university, post high school, middle school or high school, the application shall require authorization from the property owner or authorized agent. The permit will be valid for one year.

(b) Permits are nontransferable and do not run with the land.

(c) By signing the permit, the ~~beekeeper~~applicant acknowledges that he or she shall defend and indemnify the city against any and all claims arising from his/her hobby beekeeping~~out of~~

~~keeping the honeybees on the premises.~~ If the principal use of the property is a college, university, post high school, middle school or high school, the property owner or authorized agent shall also acknowledge that they shall defend and indemnify the city against any and all claims arising from the hobby beekeeping on the subject property.

(d) The fee for the initial permit shall be \$50. For each subsequent permit, there shall be a \$25 renewal fee ~~no fee for the permit, unless there are substantial changes to the apiary.~~

(e) No permit shall be issued unless the applicant has registered his or her apiaries with the state as required by SDCL ch. 38-18, and complies with the applicable provisions of this code and SDCL ch. 38-18.

(f) The ~~permit~~-applicant must show proof of having successfully completed a beekeeping class not more than one year prior to the initial application. The beekeeping class must be from an organization approved by the city.

(g) Hobby beekeeping shall only be allowed on property that meets one of the following zoning classifications:

1. A DD or AD1 form in any eligible zoning district.
2. A OPEN2 form in the REC or S-2 Institutional Campus zoning district.
3. A OPEN3 form in the AG zoning district.
4. A BCF1 or BCF3 form in the S-1 General Institutional or S-2 Institutional Campus zoning district whose principal use is a college, university, post high school, middle school, or high school.
5. A property in the S-2 Institutional Campus zoning district with no form established that is located within the boundaries of a school campus.

~~(h) If the property is a DD or AD1 form, the initial permit~~-application must be accompanied by a written consent of 80% of property owners of all property situated within 100 feet of the applicant's property, and 100% of all property owners abutting the applicant's property. In all other forms, the hive(s) must be located at least 100 feet from any property not owned or controlled by the applicant or authorized agent.

(i) Beekeepers are subject to annual inspections conducted by animal control.

~~—(h)—Hobby beekeeping shall only be allowed on property that is classified as DD, AD1, OPEN2 and OPEN3 forms in chapter 160.~~

Section 3. That Section 90.101 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 90.101 STANDARDS OF PRACTICE.

(a) Honeybee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.

(b) Each beekeeper must ensure that a convenient source of water is available within ten feet of each colony at all times that the colonies remain active outside the hive, and the water shall be maintained so as not to become stagnant.

(c) Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other honeybees is left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.

(d) Each beekeeper shall maintain his or her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms.

(e) A sign provided by animal control shall be displayed on a place clearly visible from the closest sidewalk-, circulation area, parking lot or right-of-way to the hive(s), or in a location designated by the city. ~~or road adjacent to the property where the bee hive(s) is kept.~~ Said sign must warn the public as follows: BEE HIVE ON THIS PROPERTY. REPORT VIOLATIONS TO SIOUX FALLS ANIMAL CONTROL (367-7000).

Section 4. That Section 90.102 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 90.102 LOCATION OF HIVES.

(a) *Hive placement.* The beehive(s) must not be located in the front yard of ~~the a~~ property whose primary form is a DD or AD1 form. The beehives must be, and no closer than 25 feet to an occupied building on another lot. The hives shall be located at least ten feet from a property line. All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of persons on adjacent properties, sidewalks, circulation areas, parking lots, or in the public right-of-way. The front ~~back~~ of the hive shall face away from the closest property line, sidewalk, and/or right-of-way, whichever is closest.

(b) *Flyway barriers.* ~~Flyway barriers must be used to ensure the honeybees assume a vertical flight pattern in and out of the hive~~ A flyway barrier must be installed in front of the hive if the hive is located less than 25 feet from the property line in the DD and AD1 forms. A flyway barrier is not required if the hive is located at least 10 feet off the ground.

~~1. Flyway barriers must be installed, and must extend ten feet in either direction from the hive along the property line.~~

~~2. Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.~~

~~3. Barriers must be a minimum of six feet in height.~~

(c) Security Fence. Except in the DD and AD1 forms, a hive must be enclosed by a fence at least 25 feet from the front of the hive and 4 feet from the other sides in accordance to Chapter 160. A fence is not required if the hive(s) is located at least 10 feet off the ground.

Section 5. That Section 90.108 of the Code of Ordinances of Sioux Falls, SD, is hereby repealed:

~~§ 90.108 EFFECTIVE DATE.~~

~~—The provisions in this subchapter shall become effective after December 31, 2019.~~

Date adopted: _____.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk