

AN ORDINANCE
AMENDING TITLE 7 OF THE ELGIN MUNICIPAL CODE, 1976,
AS AMENDED, ENTITLED "ANIMALS" TO PROVIDE FOR A NEW CHAPTER
FOR THE KEEPING OF HONEY BEES WITHIN THE CITY OF ELGIN

WHEREAS, the City of Elgin is a home rule unit and as a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the city council of the City of Elgin has determined that it is appropriate to allow for the honey beekeeping within the City of Elgin; and

WHEREAS, honey beekeeping within the City of Elgin and regulations pertaining thereto involve public health and pertain to the government affairs of the City of Elgin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Title 7 of the Elgin Municipal Code, 1976, as amended, entitled "Animals" be and is hereby amended by adding a new Chapter 7 thereto entitled "Honey Beekeeping" to read as follows:

"CHAPTER 7.10
HONEY BEEKEEPING

7.10.010: DEFINITIONS:

Whenever the following words or phrases are used, they shall, for the purposes of this chapter, have the meaning ascribed to them in this section, except when the context otherwise indicates:

APIARY: A place where bee colonies are kept.

BEE: Any stage of the common domestic honey bee.

COLONY: A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

HIVE: A structure intended for the housing of a bee colony.

BEEKEEPER: The person who owns or has charge of one or more colonies of bees.

7.10.020: LIMIT TO NUMBER OF HIVES PERMITTED:

The maximum number of hives that may be located on a property is limited as follows:

Two hives for all lots less than one-quarter of an acre.
Four hives for all lots greater than one-quarter acre.
Eight hives for all lots zoned in the Community Facility Zoning District
and greater than one acre.

7.10.030: WATER SOURCE REQUIREMENTS:

Beekeepers shall ensure that a convenient and adequate source of fresh water is maintained within ten (10) feet of the hive at all times to prevent bees from straying from the property in search of water. Examples of sources of water beekeepers can provide include: (1) a tub of water with wood floats to prevent the bees from drowning, (2) a faucet in the apiary that is left to drip steadily, or (3) entrance feeders (quart jars with holes in the lids) filled with water and placed on the colony(ies). If using tubs of water, beekeepers shall change the water periodically to avoid stagnation and mosquito breeding.

7.10.040: LOCATION RESTRICTIONS:

Hives shall not be permitted on a lot with a multi-family dwelling. Hives shall be located on a rooftop, or in a rear yard, maintained at least twenty-five (25) feet from any occupied residential structure other than that of the owner, setback at least ten (10) feet from all property lines of an adjacent property.

7.10.050: FENCING/SCREENING REQUIREMENTS:

For hives within twenty (20) feet of a property line, a flyway barrier or screen shall be provided. A flyway barrier can be a solid fence or dense vegetation/landscaping that is a minimum of six (6) feet in height. The flyaway barrier can be close to the hive or at the lot line. All fencing shall be installed in conformance with regulations of this Code.

7.10.060: STATE REGISTRATION REQUIREMENT:

All bee colonies shall be registered annually with the Illinois Department of Agriculture (IDA) by the beekeeper as required in the Bees and Apiaries Act, as amended (510 ILCS 20/1, et seq.). Beekeepers shall maintain bee colonies and allow for inspections of bee colonies as provided in the Bees and Apiaries Act. All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition. Beekeepers shall be required to post his or her registration number in a prominent place within each apiary under his or her control.

7.10.070: MISCELLANEOUS REGULATIONS:

- A. A small sign to announce "Bees on Premises" shall be posted by beekeepers at walkway or gate area entrances to the rear of the premises to warn visitors to the property of the presence of bees on site. The sign shall not exceed 2 square feet. Signs are not required for rooftop hives.

- B. Honey beekeeping by any person in the City not in compliance with this Chapter is prohibited.
- C. Any bee colony not residing in a hive structure intended for beekeeping, or any colony residing in a standard or homemade hive, which, by virtue of its condition, has obviously been abandoned, neglected, or mismanaged by the beekeeper, is unlawful.
- D. All bees, colonies, or items of bee equipment, where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected, or colonies that are not registered with the state or have not been issued a permit by the City, are declared to be nuisances and shall be unlawful for any person to allow such nuisance to exist.

7.10.080: PERMIT REQUIRED:

No person shall keep bees within the city without first obtaining a permit therefore issued by the City. An inspection and approval by the City is required prior to a beekeeper acquiring bees.

7.10.090: PERMIT PROCESS:

- A. An applicant for a permit for honey beekeeping must submit the following to the Community Development Director:
 - 1. Completed applications on forms provided by the city.
 - 2. A current plat of survey accurately depicting the potential location of the hives, flyway barrier/fencing, and water source on applicant's property.
 - 3. The required permit fee for a honey beekeeping permit in the amount of \$65. The fee for a honey beekeeping permit shall be the same fee as for a shed building permit.
- B. A permit for honey beekeeping shall not be granted unless the applicant can show proof that hive(s) and apiary accessories comply with all provisions of this Chapter.
- C. A permit for honey beekeeping shall not be transferable or run with the land and shall terminate and become invalid upon the permit holder no longer occupying the property for which the license and permit were issued.

7.10.100: SUSPENSION OR REVOCATION:

In addition to any other penalty which may be authorized by this chapter or other city ordinances, the community development director may suspend or revoke any permit issued pursuant to this chapter for:

- A. Failure of the permit holder to comply with any provisions of this chapter, any other applicable ordinances, the laws of the state, federal laws or other applicable legal requirements; or
- B. Finding that the permit holder knowingly furnished false or misleading information or withheld relevant information in any application for a honey beekeeping permit.

7.10.110: SUMMARY SUSPENSION:

Where the community development director presents to the city manager sufficient evidence demonstrating probable cause to believe that the permit holder has violated the provisions of this chapter or the laws of the United States or the State, and that said violation will immediately threaten the public health, safety or welfare, the city manager may, upon the issuance of a written order stating the reason for such conclusion, and without prior notice or hearing, order the honey beekeeping permit summarily suspended pending a public hearing and a determination on suspension or revocation. Such hearing shall be commenced not more than seven (7) days following the entry of such an order, unless the permit holder shall agree to a longer period of time. The procedure for such a hearing or any appeal with respect thereto shall be as otherwise provided in this chapter. Upon entry of an order of summary suspension, the permit holder shall be served with a copy of the order and notice of violation and a hearing in the manner provided by this chapter.

7.10.120: NOTICE OF HEARING:

Except as provided in Section 7.10.110 of this chapter, prior to suspension or revocation of a permit under this chapter, the permit holder shall be notified in writing of the nature of the violation(s) and an opportunity for a hearing which will be provided if a written request for a hearing is filed with the community development director by the holder of the permit within ten (10) days. If a written request is filed within ten (10) days, a hearing date shall be set within ten (10) days of receipt of the request. If no written request for a hearing is filed within ten (10) days, the suspension or revocation shall be sustained.

7.10.130: HEARINGS:

As provided in this chapter, a hearing shall be conducted by the community development director or his/her designee affording the permit holder an opportunity to appear and defend the charges. The community development director shall make a final decision in

writing, including the reasons for such decision, and shall serve such decision on the licensee within ten (10) days after the conclusion of the hearing.

7.10.140: APPEALS:

- A. Any person aggrieved by the action or decision of the city's community development director to deny, suspend or revoke a permit applied for or issued under the provisions of this chapter shall have the right to appeal such action or decision to the city manager within ten (10) days after the notice of action or decision has been mailed to the permit holder's address as shown on the permit application form, or to the permit holder's last known address.
- B. An appeal shall be taken by filing with the city's community development director a written statement setting forth the grounds for appeal.
- C. The city's community development director shall transmit the written statement to the city manager within ten (10) days of its receipt and the city manager will set a time and place for a hearing on the appeal. The city manager may designate an authorized representative to conduct such hearing.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place for the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action decision.
- F. The city manager or the city manager's designee shall serve a decision on the permit holder within ten (10) days after the conclusion of the hearing on such appeal.

7.10.150: REMOVAL OF HIVES:

Hives and apiary accessories shall be removed upon a permit holder no longer keeping honeybees, upon a permit holder no longer occupying the property for which a honey beekeeping permit was issued or upon a honey beekeeping permit having been revoked.

7.10.160: CONFLICT WITH PRIVATE COVENANTS:

Nothing in this chapter shall be construed to permit the keeping of honeybees when such activity is prohibited by private covenants, conditions or restrictions governing the use of property.

7.10.170: PENALTY FOR VIOLATION:

- A. Any person violating any of the provisions or failure to comply with any of the mandatory requirements of this chapter shall be guilty of an offense. Any person

convicted of an offense under this chapter, in addition to other legal and equitable remedies available to the city, shall be punished by a fine of not less than fifty dollars (\$50.00) no more than seven hundred fifty dollars (\$750.00).

- B. Any person shall be guilty of a separate offense for each and every day during any portion of which any violation or provision of this chapter is committed, continued or permitted by any such person, and such person shall be punished accordingly.
- C. Violation notices for violations of this chapter shall be issued, served, and resolved in accordance with the administrative adjudication of nonvehicular code violations system established pursuant to title 1, chapter 1.25 of this code, or if brought before a court of competent jurisdiction, pursuant to the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and such other rules that might apply to such court.

7.10.190: SEVERABILITY:

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason to be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the persons or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included.”

Section 2. That Section 7.04.240 of the Elgin Municipal Code, 1976, as amended, entitled "Keeping of Animals" be and is hereby further amended by amending subparagraph E thereof to read as follows:

- "E. It is unlawful to raise, keep, harbor, possess, maintain or have the care or custody of in the city any animal commonly considered a farm animal including, but not limited to, cows, horses, pigs or chickens, with the exception of chickens for which a license has been issued and which are kept and maintained in compliance with chapter 7.08 hereof, and also with the exception of honey bees for which a permit has been issued and which hives are kept and maintained in compliance with chapter 7.10 hereof."

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 4. That this ordinance shall be in full force and effect from and after January 1, 2018, upon its passage and publication in the manner provided by law.



David J. Kaptain, Mayor

Presented: December 20, 2017
Passed: December 20, 2017
Omnibus Vote: Yeas: 9 Nays: 0
Recorded: December 20, 2017
Published: December 21, 2017

Attest:



Kimberly Dewis, City Clerk

