

1<sup>st</sup> read and referred to HPD  
7/6/20; 2<sup>nd</sup> reading 7/20/20;  
Substituted and recommended for  
adoption by HPD 11/17/20

ORDINANCE NO. 14-2020

BY: Bullock, Kepple, Litten, Neff,  
O'Malley, Rader, Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 505.18, Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, to permit the keeping of bees in the City of Lakewood.

WHEREAS, honey bees (*apis mellifera*) are essential to our ecosystem by providing agriculture, fruit, and garden pollination services and by furnishing honey, and other useful products;

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain;

WHEREAS, gentle strains of honey bees can be maintained within populated areas without causing a nuisance if the bees are properly located and carefully managed;

WHEREAS, having an apiary next door will not increase the number of bees in a neighboring yard in that honey bees travel up to three miles from their hives to forage and tend to cruise at altitudes of 30 feet or higher.

WHEREAS, there are currently 23 apiaries registered with the Ohio Department of Agriculture within the City of Lakewood;

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in regulations for the keeping of bees in Lakewood should be adopted as soon as possible.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 505.18(f) and section 505.18(g) of section 505.18 Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, are hereby renumbered as 505.18(g) and 505.18(h) respectively.

Section 2. Section 505.18(f) Certain Animals Prohibited, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

(f) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:

- (1) Definitions. As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.
  - A. "Apiary" means any place where one or more colonies or nucleus colony of bees are kept.
  - B. "Bees" means any stage of any species of the genus *Apis*.
  - C. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
  - D. "Beehive" means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
  - E. "Colony" means the beehive and its equipment, including bees, combs and brood.
  - F. "Beekeeping Equipment" means anything used in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
  - G. "Tract" means a contiguous parcel or land under common ownership.
  - H. "Nuc" or "Nucleus colony" means a small hive smaller than the usual hive box designed for a particular purpose.
  - I. "Undeveloped property" means 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 occupancy 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.
- (2) Zoning Districts. Bees may be kept in all zoning districts.
- (3) Application, Permit, and Renewal. Before the keeping of bees may occur, an annual permit shall first be obtained from the Director of Public Safety. Applications shall be filed with the Director of Public Safety. The permit application shall be accompanied by a \$5.00 fee paid to the City. All renewal applications shall be filed with the Director of Public Safety by June 1<sup>st</sup> along with a \$5.00 fee paid to the City. Permit applications shall include the following information:
  - A. the name, phone number, home address and email address of the applicant;
  - B. the size and location of the subject property;
  - C. a proposal containing the number of hives the applicant seeks to keep on the property;

- D. the permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner;
- E. an attestation that the applicant has attended a beekeeping class;
- F. the applicant's Ohio Beekeeper number as provide by the Ohio Department of Agriculture; and
- G. the applicant's Apiary #(s) as provided by the Ohio Department of Agriculture

If the applicant does not have their Ohio Beekeeper number and/or their Apiary #(s) at the time of filing then the Director of Public Safety may grant a permit on the condition that the applicant provides their Ohio Beekeeper number and/or their Apiary #(s) within 30 days of approval of the application.

All applications shall contain a waiver, signed by the applicant, providing permission for any City official to enter the property for the purpose of determining the beekeeper's compliance with this section. Permits shall not be transferable. The City shall provide the property owner at least 48 hours written notice prior to entering the property.

- (4) Inspection. Within 30 days of the Director of Public Safety or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the applicant is in compliance with this code. The person(s) inspecting the premises shall not manipulate any hives during the inspection.

(5) Regulations.

- A. Beekeeper must file the application pursuant to 505.18(f)(3).
- B. Beekeeper must abide by Ohio Revised Code Chapter 909 Apiaries.
- C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.
- D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.
- E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- F. For each beehive permitted to be maintained under this ordinance, there may also be maintained one nuc upon the same apiary tract.
- G. No more than 1 beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area. If an applicant has a greater number of beehives than permitted by this section and

possessed those beehives prior to the enactment of this section, then the Director of Public Safety may grant the application.

- H. No beehive shall be kept closer than five feet to any lot line and 10 feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- I. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.
- J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
- K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
- L. Each beekeeper shall maintain 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. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

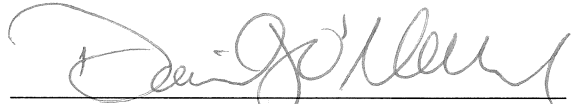
(6) Permit Revocation. The Director of Public Safety may revoke a permit at any time if the holder materially fails to adhere to the provisions of subsection (f).

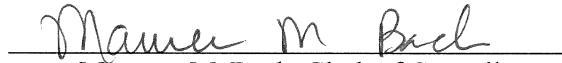
(7) Appeal. Any denial of a permit application or permit revocation may be appealed to the Board of Building Standards pursuant to ORD. 1173.05.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements.

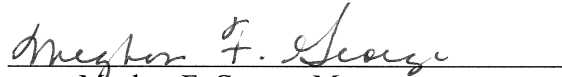
Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 12/17/2020

  
Daniel J. O'Malley, President of Council

  
Maureen M. Bach, Clerk of Council

Approved: 12/10/2020

  
Meghan F. George, Mayor

