

CITY OF MEDINA

ORDINANCE NO. ###

AN ORDINANCE REGARDING THE KEEPING OF CHICKENS AND HONEY BEES; AMENDING CHAPTER 8 OF THE CITY CODE

The City Council of the City of Medina ordains as follows:

SECTION I. Rural Residential District, Section 826.25, Subd. 5 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

Subd. 5. Animal structure setbacks:

- (a) Structures or buildings used to house, exercise or accommodate animals, including paddocks, shall not be erected within 150 feet of any lot line.
- (b) Notwithstanding the foregoing, a structure or building to house chickens (“chicken coop”) may be erected within 150 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:
 - (i) No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.
 - (ii) No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.
 - (iii) Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.
 - (iv) A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.
 - (v) Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

SECTION II. Rural Residential Urban Reserve District, Section 826.25.5. Subd. 5 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

Subd. 5. Animal structure setbacks:

- (a) Structures or buildings used to house, exercise or accommodate animals, including paddocks, shall not be erected within 150 feet of any lot line.
- (b) Notwithstanding the foregoing, a structure or building to house chickens (“chicken coop”) may be erected within 150 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:
 - (i) No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.

- (ii) No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.
- (iii) Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.
- (iv) A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.
- (v) Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

SECTION III. Rural Residential 1, Section 826.26, Subd. 3 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

Subd. 3. Structures or buildings used to house, exercise or accommodate animals in the RR 1 district shall be subject to the following:

- (a) All structures shall be set back at least 75 feet from all property lines and at least 150 feet from any street or right-of-way;
- (b) No structure shall exceed 1,000 square feet of gross floor area;
- (c) All structures shall be of a design which is compatible with the principal structure;
- (d) No structure shall be erected prior to construction of a principal building;
- (e) No structure shall be used to house any type of livestock except horses;
- (f) No structure shall be used to house more than two horses, except that a third horse which is the foal of one of said two horses may be kept on the premises for a period not to exceed six months during any 12 month period; and
- (g) The owners of structures or buildings used to house, exercise or accommodate animals approved pursuant to this section shall comply with the requirements of section 330 of the city code regarding removal of manure.
- (h) Notwithstanding the foregoing, a structure or building to house chickens (“chicken coop”) may be erected within 75 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:
 - (i) No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.
 - (ii) No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.
 - (iii) Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.
 - (iv) A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.
 - (~~iv~~) (v) Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

SECTION IV. Suburban Residential District, Section, 826.26.3, Subd. 2 of the code of ordinances of the City of Medina is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Subd. 2. ~~Agricultural land uses, except keeping livestock~~ *RESERVED*

SECTION V. Urban Commercial District, Section 831.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(7) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION VI. Commercial-Highway District, Section 838.1.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(11) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION VII. Commercial-Highway/Railroad District, Section 838.2.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(11) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

Section VIII. Commercial-General District, Section 838.3.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(10) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION IX. Business Park District, Section 832.1.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(18) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION X. Business District, Section 832.2.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(22) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION XI. Industrial Park District, Section 833.04 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

(13) Keeping of Honey Bees in compliance with standards of Section 828.22 of this ordinance.

SECTION XII. Accessory Structures, Section 825.19 Subd. 5 of the code of ordinances of the City of Medina is amended by adding the underlined language as follows:

Subd. 5. One additional accessory building that has a footprint of 120 square feet or less, such as a shed, chicken coop, or similar type of building, is permitted. The footprint of this type of accessory building shall not count towards the maximum accessory building size allowance for the property as required above. In residential and agricultural districts, any detached accessory building of less than 120 square feet may be located within five feet of the rear or side lot line, with the exception of animal structures and chicken coops, which shall abide by the specific setback requirements in respective district. All detached accessory building exceeding 120 square feet or larger must meet the setbacks required for principal buildings in the district.

SECTION XIII. New Section 828.22 of the code of ordinances of the City of Medina is added as follows:

Section 828.22. Keeping of Bees on Non-Rural Property. The following standards shall apply to the keeping of bees on non-rural property within the City. These standards shall not apply to the keeping of bees on property within the Agricultural Preservation, Rural Residential, Rural Residential-Urban Reserve, Rural Residential-1, or Rural Residential-2 zoning districts.

Subd. 1. Purpose. The purpose of this ordinance is to establish certain requirements for Beekeeping on non-rural property within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

Subd. 2. Definitions. The following words and terms, wherever they appear within this section, are defined as follows:

- (1) Apiary- the assembly of one or more colonies of Bees at a single location.
- (2) Beekeeper- a person who owns or has charge of one or more colonies of Honey Bees.
- (3) Beekeeping equipment- anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (4) Colony- an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- (5) Hive- the receptacle inhabited by a colony that is manufactured for that purpose.
- (6) Honey Bee or Bee- all life stages of the common domestic honey bee, *apis mellifera* species.

- (7) Nucleus Colony- a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Subd. 3. Beekeeping Standards. The following shall apply to Beekeeping on non-rural property:

- (a) Beekeeping shall be allowed in zoning districts in which the use is listed as a permitted or accessory use.
- (b) Honey Bee Colonies shall be kept in Hives with removable frames, which shall be kept in sound and usable condition.
- (c) Hives must be located at least 10 feet from all property lines.
- (d) Hives may not be located in a front yard.
- (e) No person is permitted to keep more than 4 Colonies.
- (f) For each Colony permitted to be maintained under this ordinance, there may also be maintained upon the same Apiary lot, one Nucleus Colony in a Hive structure not to exceed one standard 9-5/8 inch depth 10-frame Hive with no supers.
- (g) Each Beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside the Hive.
- (h) 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 lot. 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.
- (i) Each Beekeeper shall maintain their Beekeeping Equipment in good condition. 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.
- (j) Except as otherwise provided in this ordinance, in each instance where a Colony is kept less than 25 feet from a property line of the lot upon which the Apiary is located, as measured from the nearest point on the Hive to the property line, the Beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that Bees will fly over rather than through the material to reach the colony. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the Hive or Hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the Apiary lot line (1) is zoned rural or agricultural, or (2) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the Apiary lot line.
- (k) If the Beekeeper serves the community by removing a swarm or swarms of Honey Bees from locations where they are not desired, the Beekeeper shall not be considered in violation the portion of the ordinance limiting the number of colonies if he temporarily houses the swarm on the Apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.
- (l) A designated City official shall have the right to inspect any Apiary for the purpose of ensuring the compliance with this ordinance at any reasonable time.

SECTION XIV. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this ___ day of _____, 2018.

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk

Published in the Crow River News on the ___ day of _____, 2018.