

**Carson City
Agenda Report**

Date Submitted: March 27, 2012

Agenda Date Requested: April 5, 2012

Time Requested: 10 minutes

To: Mayor and Supervisors

From: City Manager

Subject Title: Action to adopt Bill No. 104, on second reading, Ordinance No. _____, an ordinance amending Title 7 Animals by amending Chapter 7.13 - Licensing and Regulation and by adding Chapter 7.02 Beekeeping and other matters properly related thereto.

Staff Summary: The existing regulations contained in the Carson City Municipal Code are outdated and do not reflect the current process and procedures for beekeeping within an urban setting. The modifications and additions would provide an opportunity for more citizens to keep bees in a healthy and safe environment.

Type of Action Requested: (check one)
☐ Resolution ☒ Ordinance
☐ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to adopt Bill No. 104, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code Title 7 Animals by amending Chapter 7.13 – Licensing and Regulation and by adding Chapter 7.02 Beekeeping and other matters properly related thereto.

Explanation for Recommended Board Action: The Department of Animal Services was approached by beekeepers within area asking that we consider the modification of our beekeeping ordinances to reflect current knowledge regarding the keeping of bees.

Applicable Statue, Code, Policy, Rule or Regulation: Title 7 of the Carson City Municipal Code.

Fiscal Impact: None

Explanation of Impact: This ordinance would be permissive and does not have a financial impact.

Funding Source: N/A

Alternatives: Modify the proposed ordinance as appropriate or do not introduce the new proposed ordinance.

Supporting Material: Proposed ordinance.

Prepared By: Lawrence A. Werner, P.E., P.L.S.

Reviewed By: *Marion Works* Date: *3/27/12*
(Department Head)
Timothy Kronk Date: *3/27/12*
(City Manager)
Handy Date: *3/27/12*
(District Attorney)
Nancy Paulson Date: *3/27/12*
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2012-_____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 7 ANIMALS, BY AMENDING CHAPTER 7.13 – LICENSING AND REGULATION AND BY ADDING CHAPTER 7.02 –BEEKEEPINGAND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I. Title 7-Animalsof the Carson City Municipal Code is hereby amended as follows:

Chapter 7.01 –Bear Proof Collection Bins, Containers, and Structures

Chapter 7.02 – Beekeeping

Chapter 7.13 – Licensing and Regulations

Section II. Chapter 7.02 – Beekeeping is hereby added to Title 7 of the Carson City Municipal Code as follows:

Sections:

7.02.010 – Definitions

7.02.020 – Allowable Property Type (Use)

7.02.030 – Lot Size, Number of Hives and Location on Property

7.02.040 – Water

7.02.050 – Flyaway Barrier

7.02.060 – Extraction of Honey

7.02.070 – Nuisance

7.02.080 – Queens

7.02.090 – Disease

7.02.100 – Enforcement

Section III. Section 7.02.010 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.010 Definitions:

1. Apiary: In accordance with NRS 552.0851, an “apiary” means any hive or other place where bees are kept, located or found, and all appliances used in connection thereof.
2. Beekeeper: A person who owns or has charge of one (1) or more colonies of bees.

3. Colony: Shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.
4. Department: refers to the Carson City Health and Human Services Department, or any subsequent department deemed responsible by Carson City.
5. Disease: In accordance with NRS 552.0858, a “disease” means any condition adversely affecting the bees or their brood which could become epidemic.
6. Enforcement Officer: Enforcement/Animal Services Officer or their designee.
7. Hive: Means a removable frame receptacle or container made or prepared for the use of bees described in NRS 552.086 and NRS 552.230. All other hives shall be deemed unlawful.

Section IV. Section 7.02.020 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.020 Allowable Property Type (Use)

1. Hives will be allowed on any property, excluding parcels containing a multi-family residential dwelling, that meet the requirements of this section.
2. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

Section V. Section 7.02.030 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.030 Lot size, Number of hives and Location on Property

1. Lot less than .5 acre: Maximum of two hives
2. Lot .5 acre and above up to 1.0 acre: Maximum of 5 hives
3. Lot 1 acre and above up to 5 acres: Maximum of 10 hives
4. Lots above 5 acres: no restrictions so long as not deemed a nuisance by the Department.
5. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
6. No hive may be within 10 feet of any property line.

7. Hives that are located closer than 25 feet from any property line or public right of way must have a "flyaway barrier" of at least 6 feet in height between the hive and such property line.

Section VI. Section 7.02.040 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.040 Water

1. A water source must be placed in the immediate vicinity of all hives between April 1st and September 30th.

Section VII. Section 7.02.050 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.050 Flyaway Barrier

Flyaway barrier requirements:

- a. Must surround the hive(s) on any side that is within 25 feet of a property line or public right-of-way.
- b. Must be no less than 6 feet in height
- c. Must consist of a material impenetrable by bees (wood fencing, dense shrubbery, chain link with slats, etc)
- d. Must allow at least a 4 foot separation from the barrier to the hive entrance to allow for proper movement and landing of the bees
- e. The location and height of the barriers must comply with applicable zoning and building code requirements.

Section VIII. Section 7.02.060 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.060 Extraction of Honey

In accordance with NRS 552.260, honey may only be extracted in an area where there is no access by bees before, during, or after the extraction process.

Section XIX. Section 7.02.070 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.070 Nuisance

1. Any hive that has been abandoned by the owner will be considered a public nuisance and must be removed by the owner at the owner's expense in accordance with Title 8 Chapter 8.08 of the Carson City Municipal Code.
2. If the hive is occupied by bees, the owner must make arrangements for the bees to be relocated at his or her expense.

3. If the hive is occupied by diseased bees, the hive must be destroyed at the owner's expense

Section X. Section 7.02.080 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.080 Queens

In any instance in which a colony exhibits unusually 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 non-swarming characteristics.

Section XI. Section 7.02.090 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.090 Disease

1. If any hive is found to be diseased:
 - (a) If the hive and appliances thereof can be treated so as to completely eradicate the disease in question, it shall be done immediately at the owner's expense.
 - (b) If the hive is not treatable, the hive and all appliances thereof will be destroyed at the owner's expense in a manner prescribed or deemed reasonable by the Department.
2. If a hive is found to be diseased, the problem must be addressed as determined by the department.

Section XII. Section 7.02.100 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.100 Enforcement

1. Enforcement Officers shall have access to all apiaries, appliances, products, structures and premises on which bees are kept and shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m.
2. Violations to this code:
 - a. Must be corrected by the fourth day after receiving notice of a violation.
 - b. If not corrected, the bees will be removed at the owner's expense.

Section XIII. Section 7.02.110 of the Carson City Municipal Code is hereby added to Chapter 7.02 as follows:

7.02.110 Severability.

If any of the provisions of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not impair the other provisions of this chapter. To this end the provisions of this chapter are declared to be severable.

Section XIV. Section 7.13.190 of the Carson City Municipal Code is hereby amended as follows:

7.13.190 – Keeping of animals in zoned areas.

1. It shall be unlawful for any person to keep or cause to be kept any animal in violation of Carson City Zoning Regulations.
2. Animals and fowl.
 - a. Except as provided in subsection b. and c.; horses, swine, fowl, sheep or other animals of a similar nature shall not be maintained on any lot or parcel other than a lot or parcel zoned agriculture (A), conservation reserve (CR), single-family one-acre (SF1A), single-family two-acre (SF2A) or single-family five-acre (SF5A). All parcels containing animals, not meeting these requirements at time of code adoption, shall be considered an approved nonconforming use and are restricted by the nonconforming use portion of Section 18.03.010
 - b. On residentially zoned properties requiring less than one (1) acre in land area, a maximum of two (2) rabbits, two (2) potbelly pigs, that weigh less than one hundred fifty (150) pounds each and four (4) female chickens or female ducks may be kept on any single-family residential parcel if used as a pet or an educational project.
 - c. Formal youth education groups such as 4H or Future Farmers of America can apply for special use permits to have livestock on residential lots.
3. Animal Units. The keeping or raising of livestock and other farm animals as allowable under this section shall be permitted in accordance with the table of animals units and density standards described as follows:

Animal Types	Animal Unit Equivalents (A.U.E.)
(1) Horse, Mule or Donkey	1.00

(1) Cow, Steer, or Bull	1.00
(1) Pig, Llama, or Alpaca	1.00
(1) Pony or Burro	1.00
(1) Sheep, Goat or Mini Horse	0.50
(1) Rabbit, Chinchilla, or Fowl	0.20

4. Animal density. Livestock and farm animal numbers may be established at the density of one (1) animal unit for each seven thousand (7,000) square feet of lot area. All fractional densities are to be rounded down to the nearest whole number.

Example: On a one (1) acre parcel (forty-three thousand five hundred sixty (43,560) square feet), six (6) animal units would be allowable. For every residential parcel larger than one (1) acre in size and zoned single-family two-acre (SF2A) or single-family five-acre (SF5A), only two (2) A.U.E. may be added per additional acre up to five (5) acres unless disallowed by CC&R's.

5. Calculations. For allowable animals, animal categories may be combined to total an allowable animal unit density:

Example: On a one (1) acre parcel where six (6) A.U. are allowed:

3 horses (3×1.00) 3.00 AUE
+4 sheep (4×0.50) 2.00
+5 chickens (5×0.20) 1.00
Total Animal Unit Density 6.00

6. The offspring of animals are allowable and not to be counted until they are weaned or self-sufficient.
7. Any person permitted under this section to have livestock as defined in Title 7 shall maintain them in such a way to assure they do not encroach upon or damage the property of others. The living area with respect to sanitation shall conform with restrictions set forth in Title 7 of the CCMC animal control ordinance and Section 9 of the CCMC health department regulations.
8. Slaughter of animals shall not be permitted within any residential district in Carson City, but may be an accessory use to an agricultural use in the conservation reserve (CR) and agricultural (A) districts.
9. Keeping of hazardous or offensive animals prohibited. No person shall keep, maintain or have in his possession or permit on any property owned or controlled by him any household pet or pets or any other animal or animals in such manner, number or kind as to cause damage or hazard to persons or property in the vicinity or to generate offensive noise, dust or odor. Wild animals will be administered in

accord with Title 7 by the animal regulation department and Title 9 of the health department regulations.

~~{10. Bees may be kept on large parcels provided:~~

- ~~a. The parcel on which the bees are kept shall be at least one (1) acre in size and a special use permit is obtained for parcels under five (5) acres in size;~~
- ~~b. The number of colonies or nuclei shall not exceed one (1) per acre;~~
- ~~c. Adequate freshwater supply shall be available for bees on the subject property at all times;~~
- ~~d. The location shall be not less than two hundred (200) feet from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property;~~
- ~~e. Approval by appropriate state agencies shall be obtained.]~~

Section XIV:

That no other provisions of Title 7 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2012

PROPOSED by Supervisor _____

PASSED on _____, 2012

VOTES: AYES: Supervisors _____

NAYES: Supervisors _____

ABSENT: Supervisors _____

Robert L. Crowell, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of
the month of _____ of the year 2012.