

Bee Ordinances in North Texas

“Wow! You keep bees??!?”

“Is that legal?”

Topics

- why we need to know
- different levels of regulation
- where to find out more
- standard disclaimers

Why we need to know

- protect your bees from possible destruction
- work with your community, not against it
- avoid emotional / legal / financial difficulties
- ignorance is a poor basis for protecting yourself
- be proactive: know what needs to be changed

Different levels of regulation

- nuisance regulations
 - the ordinances don't mention bees at all
 - the ordinances mention bees only as one (of many) possible nuisances
- animal husbandry regulations
 - the ordinances deal with how the bees are kept

Nuisance ordinances about bees

- Allen
- Balch Springs
- Duncanville
- Frisco
- Princeton

these include bees in a larger list of nuisances

Nuisance ordinances about bees

Allen

Sec. 3-13. Animal nuisances.

The following shall be considered a public nuisance and shall be unlawful:

(a) The keeping of an animal in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.

...

(d) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.

Nuisance ordinances about bees

Balch Springs

(4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare.

Duncanville

(3) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare or the keeping of any animal in such a manner to deny the lawful use of adjacent property, public property, or to endanger personal health and welfare.

Nuisance ordinances about bees

Frisco

(b) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health, safety and welfare is prohibited. Upon determination that a bee colony situated within the City of Frisco City Limits is not being kept in compliance with this section, animal control may order the bees to be removed from the City of Frisco or destroyed.

Princeton

(d) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare is prohibited.

No ordinances about bees at all

- Addison
- Dallas
- Fort Worth
- Lancaster
- Lewisville
- Richardson
- Wylie

in these cities, the default nuisance laws apply

Nuisance penalties in Dallas

Sec. 34-94. Penalty for violations of article.

(a) A person may not cause, permit, or allow a public nuisance as described in section 34-93 on premises located within the county's unincorporated area.

(b) A person commits an offense if the nuisance remains unabated after 30 days after the date on which the person receives notice from a county official, agent or employee to abate the nuisance.

(c) An offense under this section is a misdemeanor punishable by a fine of not less than \$50.00 and not more than \$200.00. If it is shown on the trial of the defendant that the defendant has been convicted of an offense under this section within one year of the date that the offense being tried occurred, the defendant shall be punished by a fine of not less than \$200.00 nor more than \$1,000.00, by confinement in jail for not more than six months, or by both. Each day a violation occurs is a separate offense. If the defendant is convicted of an offense under this section, the court shall order abatement of the nuisance.

(Ord. No. 91-1831, § III, 10-15-1991)

State law references: Penalty, V.T.C.A., Health and Safety Code § 343.012.

Secs. 34-95--34-120. Reserved.

Ordinances about keeping bees

- Irving
- McKinney
- Mesquite
- Plano
- Rowlett

regulating number of hives, hive location, type of hives, requeening, documentation, access, etc

Irving

Sec. 6-10. Hogs, sows, pigs prohibited in city; affirmative defense for potbellied pigs; requirements for keeping potbellied pigs; requirements for keeping bees.

...

(f) Keeping bees. A person who keeps bees shall:

- (1) Maintain each colony in a healthy state;
- (2) Maintain the grounds near each hive in a sanitary manner;
- (3) Ensure that a convenient source of water is available to each colony at all times;
- (4) Mark each hive with the name and telephone number of the beekeeper; and
- (5) The animal services manager shall have the authority to require a person to reduce the number of hives or require other reasonable safety precautions in an apiary in order to abate any nuisance.

(Ord. No. 8597, § 1, 1-26-06; Ord. No. 8934, § 2, 4-4-08)

McKinney

Sec. 26-14. Keeping of bees.

It is unlawful for any person to keep, or allow to be kept, bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health, safety and welfare of the inhabitants of the city.

Honeybees may be kept if the following conditions are met:

- (1) All hives shall be located a minimum of 150 feet from any inhabited dwelling other than that of the person keeping such bees;
- (2) No more than three hives shall be allowed on lots or tracts of land less than one acre in area;
- (3) There is an adequate source of water within 20 feet of all hives; and
- (4) Any hive contaminated with or known to have Africanized honeybees (killer bees) shall be destroyed by a qualified beekeeper at the owner's expense.

(Code 1982, § 6-14; Ord. No. 2000-08-57, § 2, 8-15-2000)

Mesquite

Sec. 10-168. Keeping of bees.

(a) It shall be unlawful and a nuisance for any person owning or being in control of any premises within the city other than land zoned "A" Agricultural to keep, suffer or permit more than two (2) hives of bees on such premises.

(b) Where bees in excess of two (2) hives are kept on agricultural land, such hives in excess of two (2) shall not be within one hundred (100) feet of an occupied dwelling other than that of the owner or occupant of such premises or of a public road or sidewalk.

(Code 1960, § 11-20)

Cross references: Animals, Ch. 4; zoning, App. C.

State law references: Bees, V.T.C.A. Agriculture Code, § 131.001 et seq.

Plano

Sec. 4-183. Bee-keeping.

(a) A person commits an offense if he keeps or allows bees, their hives, or any abandoned hives within the City limits. Honey bees may be kept if all of the following conditions are met:

(1) All hives shall be surrounded by barriers placed at least ten (10) feet from the hive and not less than eight (8) feet in height that change the flight path of the bees as they leave the hives;

(2) There shall be no more than three (3) hives per City lot;

(3) There is an adequate source of water within twenty (20) feet of all hives;

(4) There may be maintained one (1) nucleus for each two (2) colonies. The nucleus shall not exceed one (1) ten-frame hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired;

but wait, there's more...

Plano (continued)

Sec. 4-183. Bee-keeping.

(a) A person commits an offense if he keeps or allows bees, their hives, or any abandoned hives within the City limits. Honey bees may be kept if all of the following conditions are met:

...

(5) Each hive must be re-queened at least once every twenty-four (24) months; and

(6) The owner notifies the City Enforcement Agent, in writing, of the location and number of hives in his possession. Additionally, the owner shall keep purchase receipts and written records of the exact dates he re-queens each hive for at least two (2) years.

(b) A person commits an offense if he owns, harbors, or possesses bees and refuses, upon request by the Division, to make his bees, premises, facilities, or equipment available for inspection during reasonable hours.

(Ord. No. 2009-2-13, § 1(4-1002), 2-17-09)

Rowlett

Sec. 6-108. Bees.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Apiary means a place where bee colonies are kept.

Colony means a hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.

Hive means a structure intended for the housing of a bee colony.

(b) Keeping. It shall be unlawful for any owner, person, or beekeeper to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

and we're just getting started...

Rowlett (page 2)

Sec. 6-108. Bees.

(c) Hives. All bee colonies shall be kept in "Langstroth" type hives with removable frames, which shall be kept in sound and useable condition.

(d) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, birdbath, or other water sources where they may cause human, bird, or domestic pet contact.

(e) 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 promptly "re-queen" the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

got that? Good...

Rowlett (page 3)

Sec. 6-108. Bees.

(f) Colony densities. It shall be unlawful to keep more than the following number of colonies on any lot, in an areazoned residential within the city, based upon the size of the lot which the apiary is situated:

(1) One-half acres or less of lot size: two colonies;

(2) Larger than one-half but less than one acre of lot size: four colonies;

(3) Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

we're almost done...

Rowlett (page 4)

Sec. 6-108. Bees.

(g) Marking hives. The name, address, and telephone numbers of the owner or beekeeper shall be painted, or otherwise clearly marked upon the structure of each hive.

(h) Compliance. The animal control manager, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or destroyed.

(Code 1982, § 9-1-21)

Secs. 6-109--6-140. Reserved.

Slipping through the cracks

- Arlington - no listing of ordinances found
- Garland - no listing of ordinances found
- any other N. Texas municipalities not mentioned I simply did not think to check

Where to find out more

<http://www.municode.com>:

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Conferences

See us at:

- E-Records in Austin Texas
November 6, 2009
- Virginia Association of County Annual Conference
November 8-9, 2009
- National League of Cities, San Antonio, Texas
November 11-13, 2009

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