

## Ordinance 23-011

### An Ordinance Amending Section 14-85 of the Code of Ordinances of the City of Brookings, South Dakota, and Pertaining to Bee Keeping in the City of Brookings, South Dakota.

Be It Ordained by the Governing Body of the City of Brookings, South Dakota, as follows:

That Section 14-85 of the Ordinances of the City of Brookings is hereby amended to read as follows:

I.

#### Sec. 14-85. Keeping of bees.

- a. **Definitions.** The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter.
  1. *Apiary.* Any place where 1 or more colonies of bees are kept.
  2. *Bees.* Any insect stage of the common honeybee, *Apis mellifera* L, or any species of bees which is allowed in SDCL Chapter 38-18.
  3. *Colony.* The bees in any hive, including queens, workers, and drones.
  4. *Hive.* Any frame hive, box hive, box, barrel, log gum, skep, or any other container which may be used as a domicile for bees.
  5. *Hobby Beekeeper.* A person who engages in hobby beekeeping.
  6. *Hobby Beekeeping.* The activities associated with keeping, controlling, harboring, and/or maintaining 1 or more colonies of bees.
- b. **Location of hives.**
  1. *Proximity to residences.* No person shall establish or maintain any hive or keep any bees on the premises within 15 feet of any dwelling. This restriction does not apply to residences located on the same lot as the hive.
  2. *Hive placement.* All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of persons on adjacent properties or in the public right-of-way. Hives shall not be located within ten (10) feet of any side or rear lot line. Hives shall not be placed within any drainage easement on the property. Hives shall not be located within a front yard. The entrance of the hives shall face the primary residence of the Hobby Beekeeper.
- c. **Number of hives.**
  1. It shall be unlawful to keep more than four (4) hives on any tract, lot, or parcel within the city.
- d. **Nuisance prohibited.** Notwithstanding compliance with the requirements of this article, it shall be unlawful for any person to keep any colony or colonies in such

a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, interfere with the normal use and enjoyment of any public property or property of others, or so as to create a nuisance to others. Public nuisances under this Section may be abated in accordance with the provisions in Brookings Ordinance Chapter 22 and State law.

If a colony is found to be a nuisance, the hobby beekeeper must relocate or destroy all hives within 30 days of the final nuisance determination.

- e. **Compliance with all applicable laws.** Beekeepers shall register all apiaries with the state as required by SDCL Chapter 38-18. Beekeepers shall comply with all applicable Federal and state laws, including but not limited to those provisions found within SDCL Chapter 38-18.
- f. **Spraying.** The city is not liable for any damage to bees, hives, colonies, or hobby beekeeping operations resulting from the city's use of spray to manage mosquitos or noxious weeds on public rights-of-way or other public property.
- g. **Remedies for Nuisance.** In the case of a violation of this chapter, the city may elect to destroy a hive and/or relocate a colony, if there is an immediate need to protect public safety, or may require the hobby beekeeper to destroy or relocate a colony. Such circumstances shall be present when there is (1) a colony not residing in a hive structure intended for beekeeping; (2) a dangerous swarm of bees that poses an immediate risk to the safety of humans; or (3) a colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: March 28, 2023

Second Reading: April 11, 2023

Published: April 14, 2023

CITY OF BROOKINGS, SD

---

Oepke G. Niemeyer, Mayor

ATTEST:

---

Bonnie Foster, City Clerk