

ORDINANCE NO. 13-2021

BEEKEEPING ORDINANCE

WHEREAS, I.C. 36-1-28-1 enacted by the State of Indiana authorizes local governments to enact laws and legislation concerning the number of active bee hives that may be operated and the location of bee hives within town limits; and

WHEREAS, the Town Board of the Town of Roann is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Roann; and

WHEREAS, the Town Board of the Town of Roann, Indiana deems it to be within the public interest to further the public safety, health, welfare, general aesthetics, and common good with the Town of Roann that an ordinance be established regulating bee keeping in order to maintain gentle strains of bees within populated areas without causing a nuisance.

BE IT HEREBY ORDERED, RESOLVED and ESTABLISHED as follows:

Section 1: Definitions.

APIARY means the assembly of one or more colonies of honey bees at a single location.

BEEKEEPER means a person who owns or has charge of one or more colonies of honey bees.

BEEKEEPING EQUIPMENT means any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

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

DWELLING UNIT means a building, or portion thereof, which provides or is intended to provide living quarters exclusively for one family.

HIVE means the receptacle inhabited by a colony that is manufactured or created for that purpose and includes any modern frame hive, box hive, box, barrel, log gum, skep or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.

HONEY BEE means all life stages of, and limited to, the common domestic honey bee.

LOT means a contiguous parcel of land under common ownership.

NUCLEUS COLONY means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Section 2: Keeping of Bees.

A. Conditions for Keeping and Maintaining Hives.

1. Only honey bees (hereinafter referred to collectively and individually as "bees") may be kept under this ordinance.
2. Beekeeping equipment shall be restricted to rear yards and side yards.
3. Beekeeping equipment shall not be located closer than 20 feet from any property line, public sidewalk or roadway. The front of the hive shall face away from the property line of the residential lot closest to the bee hive.
4. Such location must be at least twenty (20) feet from any windows, doors or sidewalks on the adjacent property..
5. No more than two (2) hives are allowed per lot. Each hive shall have a maximum size of twenty (20) cubic feet.
6. The Town of Roann shall have the right to inspect any property where beekeeping equipment is located at all reasonable times to ensure compliance with this Ordinance.

Section 3: Violation and Penalty.

A violation of this ordinance shall result in the property and apiary to be deemed a public nuisance. In such event, the Clerk-Treasurer of the Town of Roann shall give a written notice to such owner or occupier to remove and dispose of the apiary. Such notice shall be served in person or by certified mail upon the person owning, leasing or controlling the real property to said person's last known address. If notice is sent by certified mail, notice shall be deemed completed and received upon mailing.

In the event the owner or occupier shall fail and refuse to remove and dispose of the apiary within a period of ten (10) days from the date of such notice, the Town of Roann, through its own workforce or through a private contractor hired by the Superintendent, may enter and remove and dispose of the apiary. The Town of Roann may also pursue any other appropriate remedies available at law or in equity. Said removal of an apiary shall be done at a cost of Two Hundred Dollars (\$200.00), or the actual expense incurred by the Town, whichever is greater, to the owner or occupier. The statement of costs shall be delivered to the owner or occupier of the real estate by certified mail, and the owner or occupier of said real estate shall have a period ten (10) days in which to pay the amount to the Clerk-Treasurer.

In the event the owner or occupier fails to pay the sum within the period of ten (10) days, a certified copy of the statement of costs shall be filed in the Wabash County Auditor's Office and the Auditor shall place the amount claimed on the tax duplicate against the lands of the owner or occupier affected by the work, and the amount shall be collected as taxes are collected.

Any person who owns, leases, or controls real property and is aggrieved by a notice or a bill submitted following failure to comply, may appeal. Such appeal shall be made in writing and shall be delivered personally to the Roann Town Board within not more than seven (7) days from the date the notice or bill was received. The Roann Town Board may, but it not required, to conduct a hearing on request of an aggrieved person pursuant to this ordinance.

Pursuant to Indiana Code 36-7-10.1-3, once an initial notice of a violation of this ordinance is provided by certified mail, the Town shall post a continuance abatement notice at the property at the time of the abatement. The continuance abatement notice shall serve as notice to the real property owner that each subsequent violation of this ordinance during the same calendar year for which the initial notice of the violation was provided may be abated by the Town of Roann or its contractors.

Section 4: This Ordinance shall supersede and vacate any and all previous ordinances regarding Beekeeping regulations including, but not limited to, Ordinance No. 4-2019.

This ordinance shall be in full force and effect from and after its passage by the Town Board.

Dated this 10th day of August, 2021.

TOWN OF ROANN

Richard Morris
RICHARD MORRIS, President

Jerry Nelson
JERRY NELSON, Board Member

James A. Pell
JAMES PELL, Board Member

ATTEST:

Robert M. Ferguson, Jr.
ROBERT M. FERGUSON, JR.
Clerk-Treasurer, Town of Roann