

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3123

AN ORDINANCE PERMITTING AND REGULATING THE KEEPING OF APIARIES
AND SETTING A FEE FOR AN APIARY LICENSE
BY AMENDING SECTIONS 5-2-1 AND 5-3-5
AND ADDING A NEW SECTION 5-3-7 TO THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE
CITY OF HELENA, MONTANA:

Chapters 2 and 3 of Title 5 of the Helena City Code are
hereby amended as follows:

5-2-1: **DEFINITIONS:** The following words and terms as used in
this chapter shall have the meanings respectively ascribed to
them:

ANIMAL CONTROL OFFICER: . . .

AT LARGE: . . .

BEE: Any stage Apis mellifera and all
European subspecies.

EXPOSED TO RABIES: . . .

HIVE: A frame hive, box hive,
observation hive, receptacle or
container or part of a container,
natural or artificial, used as a
domicile for bees that is clearly
recognized for that use.

HOBBYIST APIARY SITE: An apiary site registered by a
hobbyist beekeeper.

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HOBBYIST BEEKEEPER: A person who owns a total of no more than two hives.
KENNEL: . . .
OWNER: . . .
PERSON: Any individual.
RESTRAINT: . . .
WILD ANIMAL: (Ord. 2193, 8-10-1981; amd. Ord. 2488, 1-23-1989; amd. Ord. _____, __-__-2010)

5-3-5: **KEEPING OF ANIMALS RESTRICTED:**

- A. Any person keeping or maintaining within the city limits, any domestic animals such as cattle, horses, sheep, goats, pigs, ducks, geese or chickens (except common household pets) within twenty five feet (25') of the dwelling of another person within the said city limits shall be guilty of a misdemeanor. (Ord. 2159, 11-3-1980)
- B. Any person keeping or maintaining, within the city limits, any swine shall be guilty of a misdemeanor.
- C. ~~The keeping of bees within the city limits is hereby prohibited and declared unlawful except those kept for exhibition purposes only in observation hives. Only one observation hive may be kept on a premise and may not have more than three (3) frames, each no larger than ten by twenty inches (10"x 20") in size with no more than a total of two (2) pounds of bees for the exhibit.~~
- ~~C.~~ It shall be unlawful for any person to picket any animal (except dogs) within the city limits unless the same shall at all times be attended by some person. (Ord. 3111, 4-20-2009; amd. Ord. _____, __-__-2010)

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5-3-7: KEEPING OF APIARIES:

A. The keeping of apiaries within the city limits is permitted for the following purposes:

1. for exhibition purposes only in observation hives. Only one observation hive may be kept on a premise and may not have more than three (3) frames, each no larger than ten by twenty inches (10"x 20") in size with no more than a total of two (2) pounds of bees for the exhibit.

2. by a hobbyist beekeeper of two hives on premises licensed and regulated by this chapter.

B. A hobbyist beekeeper may own, use, or maintain a hobbyist apiary site within the City provided that beekeeper first obtains an annual apiary license from the city. The annual fee for an apiary license is the same as the annual license fee for licensing a neutered male dog under Title 5, Chapter 2, of the Helena City Code FIFTEEN DOLLARS (\$15.00). An apiary license may only be issued to hobbyist beekeeper who:

1. has no more than two hives at a hobbyist apiary site that is registered with the Montana Department of Agriculture, pursuant to §80-6-114, MCA;

2. certifies that the hobbyist beekeeper is the owner of the bees and that the hobbyist beekeeper will personally manage, maintain and operate the apiary site;

3. states the species of bees the hobbyist beekeeper intends to tend;

4. shows that the hobbyist apiary site uses hives that are moveable and framed with adequate space in the hive to prevent overcrowding and swarming;

5. agrees that the hobbyist apiary site must be re-queened or united with another hive following any swarming

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or aggressive behavior by the bees of that site or any hive therein;

6. agrees that the hobbyist apiary site may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location or for public safety; and

7. presents a site plan of the hobbyist apiary site showing:

(a) that the hobbyist apiary site is located on property owned or leased by the hobbyist beekeeper;

(b) availability of a water source that is within 20 feet of the hobbyist apiary site for the active duration of the site; and

(c) that the hobbyist apiary site will either be kept at least 15 feet from the boundary lines of adjacent property owned by another person ~~or~~ AND that there is a barrier no less than six feet high that prohibits the direct flight of bees that is erected between the site and adjoining property.

C. For any violation of a license issued hereunder, after providing a 15-day written notice of the violation and an opportunity to correct the violation, the city manager may revoke the license if the violation continues uncorrected after the 15-day period. (Ord. _____, __-__-2010)

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 7th DAY OF JUNE, 2010.

XXXXXXXXXXXXXXXXXX
MAYOR

ATTEST:

XXXXXXXXXXXXXXXXXX
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 12th DAY OF JULY, 2010.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION