

**ORDINANCE No. 1277**

**AN ORDINANCE ADDING TO CHAPTER 4, A NEW ARTICLE VII, SECTION 4-132 TO THE CITY OF LAMAR MUNICIPAL CODE CONCERNING THE KEEPING OF BEE HIVES WITHIN THE CITY LIMITS**

**WHEREAS**, Colorado Revised Statutes § 31-15-401 grants general police powers to the City Council to promulgate ordinances for the health, safety and welfare of the public; and

**WHEREAS**, the City of Lamar is located in a rural county that supports agriculture; and

**WHEREAS**, the City Council of the City of Lamar wishes to promote such agricultural activities by allowing beekeeping in residential, open estate and agricultural areas of the City of Lamar to promote an environmental wellbeing, and

**WHEREAS**, the City Council has further determined that it is in the best interest of health, safety, and welfare of the inhabitants of the City to exercise its express authority to implement regulation and placement of beekeeping and bee hives to ensure the minimal amount of impact on surrounding property owners.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMAR, COLORADO:**

**Part 1: The Lamar Municipal Code, CHAPTER 4, is hereby amended by the addition of a new Article VII, Sec. 4-132, which reads as follows:**

**ARTICLE VII – BEEKEEPING**

**Section 4-132 Bee Hives and Beekeeping**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:
1. *Apiary* shall mean a place where bee colonies are kept.
  2. *Bee* shall mean any stage of the common domestic honey bee, *Apis mellifera* species.
  3. *Colony* shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.
  4. *Hive* shall mean a structure intended for the housing of a bee colony.
  5. *Tract* shall mean a contiguous parcel of land under common ownership.
- (b) *Zoning.* The keeping of bees is allowed as a special exception use in the zone districts identified in Chapter 30 of this Code, as R-1, R-2, and R-3, and a use by right in zone districts A-1, E-A, and O-E of zoning code.
- (c) *Permitting.* Any person seeking to keep bee colonies shall obtain a special exception use permit and pay an initial annual fee imposed by the city for the keeping of bees in the amount of \$25 with a \$25 consecutive year fee. This special exception use for keeping bees shall not follow the

procedures set forth in Chapter 30 of the Lamar Municipal code for special exceptions, in regard to holding a hearing before the Board of Adjustments and Appeals and/or City Council. After onsite investigation of the premises, the city Animal Control personnel may issue the special exception permit to keep bees in compliance with this code section.

- (d) *Renters of property.* Persons occupying rental property must present the written permission of the landlord to obtain a permit to keep bees under this code.
- (e) *Hives.* All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
- (f) *Setbacks.* All hives shall be located in a rear setback only, and at least ten (10) feet from any adjoining property, with the back of the hive facing the nearest adjoining property. Hives are prohibited in front and street side yards.
- (g) *Fencing of flyways.* In each instance in which any colony is situated within twenty-five feet of a property line of a developed public or private tract, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyaway barrier at least six (6) in height consisting of a hedge, solid wall, or fence parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
- (h) *Water.* Each owner or 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, water spigots, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.
- (i) *Maintenance.* Each owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (j) *Queens.* In any instance 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.
- (k) *Prohibited.* The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited. Any bee colony not residing in a movable frame hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the city and is hereby declared to be a nuisance and is prohibited.
- (l) *Removable.* Any bee colonies kept in the city, not in compliance with this division or otherwise declared to be a nuisance pursuant to this section, may be required to be summarily destroyed or removed from the city at the owner's expense.
- (m) *Revocation.* The right to keep bees pursuant to this section may be revoked or suspended for any violation of the terms and provisions of this section or for any failure to adhere to any special review use permit conditions imposed by the city.

(n) *Colony Densities.*

1. It is unlawful to keep more than the following number of colonies on any tract within the City, based upon the size or configuration of the tract on which the apiary is situated:
  - I. One-quarter ( $\frac{1}{4}$ ) acre or less tract size: Two (2) colonies.
  - II. More than one-quarter ( $\frac{1}{4}$ ) acre but less than one-half ( $\frac{1}{2}$ ) acre tract size: Four (4) colonies.
  - III. More than one-half ( $\frac{1}{2}$ ) acre but less than one (1) acre tract size: Six (6) colonies.
  - IV. One (1) acre or larger tract size: Eight (8) colonies maximum.
2. For each two (2) colonies authorized under colony densities, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9.625) inch depth ten (10) frame hive body with now supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

- (o) *Violations.* If any provision of this Section is violated by any person or entity, conviction for said violations shall subject the violator to the penalties set forth in Section 1-21 of this Code for each day that the violations continue. Said penalties shall not preclude the city from seeking other remedies at law.

**Repealer.** All ordinances, resolutions, bylaws and regulations of the City in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, or part thereof, heretofore repealed.

**Severability.** If any section, paragraph, clause or provision or part this Ordinance shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

**Effective Date.** This Ordinance shall be in full force and effect 30 days after publication following final passage and adoption.

INTRODUCED, READ IN FULL, PASSED ON FIRST READING AND ORDERED PUBLISHED this 13th day of January, 2025.

CITY OF LAMAR, COLORADO

By \_\_\_\_\_  
Kirk Crespin, Mayor

ATTEST:

By \_\_\_\_\_  
Linda Williams, City Clerk

PASSED ON SECOND READING AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF LAMAR, COLORADO

ATTEST:

By \_\_\_\_\_  
Kirk Crespín, Mayor

By \_\_\_\_\_  
Linda Williams, City Clerk