

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS ADDING A NEW SEC. 6-42, "BEES" TO CHAPTER 6 "ANIMALS" OF THE SAGINAW CITY CODE, PROVIDING REGULATIONS APPLICABLE TO THE KEEPING OF BEES WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has previously adopted Chapter 6 of the Code of Ordinances regulating the keeping of animals within the City; and

WHEREAS, the City Council now desires to establish regulations concerning the keeping of bees within the City; and

WHEREAS, the City Council determines that the adoption of these regulation is the best interest of the City and will promote the health, safety and welfare of the citizens of the City of Saginaw.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:

SECTION 1.

That a new Sec. 6-42 "Bees" shall be added to Chapter 6 "Animals" of the Saginaw City Code, to read as follows:

"Sec. 6-42. – Bees.

(a) It shall be unlawful to keep bees in such a manner as to deny any person the reasonable use and enjoyment of adjacent property or endanger the personal health and welfare of the inhabitants of the City of Saginaw.

(b) Upon receipt of a sworn complaint by any person, including the city attorney or a peace officer, to the municipal court that bees are being kept in a manner that denies the reasonable use and enjoyment of adjacent property or endangers the personal health and welfare of the inhabitants of the city, the municipal court shall set a time for a hearing to determine whether the bees are being kept in violation of this chapter. The hearing shall be held not later than the 15th day after the judge of the municipal court receives and reviews the complaint.

- (c) The municipal court shall give written notice of the time and place of the hearing to:
- (1) the owner of the bees or the owner of the property on which the bees are being maintained; and
 - (2) the person who made the sworn complaint.
- (d) Any interested party, including the city attorney, may present evidence at the hearing.
- (e) If the municipal court determines that the bees deny to any person the reasonable use and enjoyment of adjacent property or endanger the personal health and welfare of the inhabitants of the city, the municipal court shall order the bees removed from the property. Upon receipt of such order, the owner or person maintaining the bees shall remove the bees within ten calendar days of the order.
- (f) Failure to comply with the municipal court order to remove the bees from the property shall constitute an offense and each day that the non-compliance continues shall be a separate offense. A violation of the municipal court order shall be a misdemeanor punishable by a fine not to exceed \$2,000.00.
- (g) In addition to any other remedy, the city may contract for the removal of the bees and charge the owner or person maintaining the bees for such removal.
- (h) A violation of this section shall be an offense, punishable by a fine of not more than \$2,000.00 for each offense. Each day that a violation occurs or continues shall be a separate offense.
- (i) A violation of this section shall be considered a violation of an ordinance governing public health and safety, and the enhanced remedies provided for such violations in section 1-13 of this code shall apply, and no person shall ever acquire a vested right to use his property in violation hereof.”

SECTION 3.

This Ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of any ordinances governing maintaining bees in the city that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00, as provided in Section 1-13 of the Saginaw City Code. Each day a violation continues shall be deemed a separate offense.

SECTION 7.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 8.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the _____ day of _____, 2020.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY