

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) Honeybees may be kept if the following conditions are met:
- (1) All hives shall be located a minimum of 50 feet from any inhabited dwelling other than that of the person keeping such bees;
 - (2) There is an adequate source of water within 20 feet of all hives;
 - (3) Any hive contaminated with or known to have Africanized honeybees (killer bees) shall be destroyed by a qualified beekeeper at the owner's expense;

- (4) Adjacent neighbors must be notified that bees will be kept on your property; and
- (5) A Honeybee Registration Form must be completed and submitted to the City. Any violation for failing to complete a Honeybee Registration Form shall be dismissed without any fine or costs assessed upon the submission of a Honeybee Registration Form within thirty (30) days of the violation.
- (b) It shall be unlawful for any owner of any hive to maintain more than the prescribed number of hives on the chart below on any single parcel of property in a residential neighborhood. The total number of hives allowed are staggered according to the size of the parcel. An equal number of hives and nucs (nucleus colonies, or small honeybee colonies created from larger colonies) are allowed on the property with restriction. Nucs are allowed to be on the property for 90 days before they must be removed.

.25 Acre	.3 Acre	.5 Acre	1 Acre
2 hives	3 hives	4 hives	5 hives
2 nucs	3 nucs	4 nucs	5 nucs

- (c) It shall be unlawful for any person to keep, or allow to be kept, bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health, safety, and welfare of the inhabitants of the City.
- (d) It shall be unlawful for any person to keep any hive within the corporate limits of the City unless the person has submitted a current and valid registration with the City.”

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