

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 23-02-04-51

AN ORDINANCE AMENDING THE CITY CODE –
KEEPING OF BEES

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

20th Day of February, 2023

PRESENTED: February 20, 2023
PASSED: February 20, 2023
APPROVED: February 20, 2023
RECORDED: February 20, 2023
PUBLISHED: February 20, 2023
In Pamphlet Form

Voting "Aye" 8
Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.



Anita Corso
City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: February 20, 2023

(SEAL)



ORDINANCE NO. 23-02-04-51

**AN ORDINANCE AMENDING THE CITY CODE -
KEEPING OF BEES**

WHEREAS, the City of Le Roy has authority, pursuant to the Illinois law, to regulate animals within its border and within its parks and public spaces; and

WHEREAS, pursuant to 65 ILCS 5/11-13-1 *et seq.*, the City of Le Roy has enacted zoning regulations that have been codified in Title 10 of the City Code;

WHEREAS, the keeping of bees is not currently regulated within the City of Le Roy;

WHEREAS, in accordance with Section 10-2-1-1(D)(4) of the City Code, the proposed amendment to the Zoning Regulations (“***Proposed Amendment***”) was referred to the Le Roy Zoning Board of Appeals (“***ZBA***”) for a public hearing and recommendation; and

WHEREAS, pursuant to notice duly published, the ZBA conducted a public hearing on February 9th at 7:00 p.m. for the purpose of hearing and considering testimony on the ***Proposed Amendment***; and

WHEREAS, at the conclusion of the public hearing, the ZBA recommended approval of the Proposed Amendment; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Le Roy to amend the City Code to permit the keeping of bees, subject to regulations and limitations provided herein.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Le Roy, McLean County, Illinois, as follows:

Section 1. Recitals. The foregoing Recitals are incorporated herein and form a part of this Ordinance.

Section 2. **Amendment to Section 10-1-3 of the City Code.** Section 10-1-3, entitled “Language and Definitions,” of the City Code is hereby amended as follows (additions **in bold and underline, stricken, bolded text removed**):

K. The following words, phrases and terms, wherever they occur in this title, shall be interpreted as herein defined:

...

ALLEY

A public way which affords only secondary means of access to abutting property.

APIARY

A place where honey bee colonies are kept.

AUTOMOTIVE SERVICE STATIONS

Any building or portion thereof on premises to which the motoring public is invited for automotive refueling through fixed equipment and for replenishment of automotive supplies and where any of the following services to the motoring public is permissive: replacement, adjustment or repair of lights, tires, batteries, accessories and minor parts; and when rendered wholly within a building, brake adjustment, engine tuning, drainage and replacement of crank and gear case lubricants, chassis lubrication, washing and cleaning (but not automotive laundry); all rendered wholly within lot lines.

...

CODE COMPLIANCE OFFICER

An official or officials approved by the City Council to administer and enforce this title.

COLONY

A hive and its equipment and appurtenances, including honey bees, honeycomb, honey pollen, and brood.

CURB LEVEL

The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

...
HEIGHT, BUILDING

“Building height” is the vertical distance measured from finish grade to the highest point of the roof.

HIVE

A structure intended for the housing of a honey bee colony.

HOME OCCUPATION

Any occupation or activity incidental to residential use, when carried on in the same principal structure by one member of the immediate family residing on the premises.

HONEY BEE

Any life stage of the common domestic honey bee, species Apis Mellifera.

HOTEL (MOTEL)

A building containing lodging rooms for rent to transient guests.

...

Section 2. Amendment to Section 10-3-7 of the City Code. That a new subsection E is hereby added to Section 10-3-7, entitled “Accessory Buildings, Structures, And Uses,” of the City Code (additions in **bold and underline**, ~~stricken, bolded text removed~~):

E. Beekeeping; Apiaries:

1. No person shall maintain any colony of bees, including honey bees, combs, honey, pollen, and brood, anywhere in the City without complying with the following requirements.

a. It shall be the duty of any persons keeping honey bees on property in the City to maintain each colony so as not to create a public nuisance.

b. Honey bee colonies shall, in addition, be maintained in the following condition:

(1) All honey bee hives shall be registered with the State Department of Agriculture as required by state law.

(2) No person shall locate or maintain a honey bee hive or colony on property

owned or occupied by another person without first obtaining written permission from the owner or occupant of the property.

(3) Notwithstanding Section 10-3-7(B)(2) of this Code, colonies shall be maintained in movable frames or similar hives located within rear yard at all times, not less than 10 feet from any property lines, including rear property lines. Colonies located within 20 feet from any property line must be separated from adjoining properties by a flyway barrier at least 6 feet high. The barrier can be a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends 10 feet beyond the width of the colony in each direction such that all bees are forced fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

(4) No person shall locate or maintain a honey bee hive or colony on property absent the installation of an auto-read water meter.

(5) Colonies shall be set back at least 10 feet from any nearby utility access point.

(6) Each hive shall be marked with a sign, not to exceed 2 square feet, indicating the owner's name, address, and telephone number, along with an announcement "Bees on Property," in addition to any signage required by State law.

(7) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging 10 feet or more from the hive.

(8) Adequate techniques shall be maintained to control and prevent swarming of bees. Suggested practices for controlling and preventing swarming include, but are not limited to baiting hives by creating an attractive space for the bees to reside and requeening the colony on an annual basis with a queen bee not less than one year old.

(9) Lots having less than one quarter acre of land shall be permitted by right to have not more than three hives.

(10) Lots having equal to or greater than one acre of land shall be permitted to have not more than three hives plus as a conditional use two additional hive for every half-acre of land over one acre.

(11) Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths 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. The water shall be in a location that minimizes any nuisance created by the bees seeking water on neighboring property.

c. Any other nest or colony of stinging insects, such as yellow jackets, hornets, or other varieties of bees; and wasps, including Vespidae; in trees, buildings, underground, or in any other space; any diseased colony of honey bees; or any colony of bees not maintained in compliance with this Code, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is not harvested by any person, shall not constitute a violation of this Code unless such a nest is in such location as to present a threat of stinging to:

- (1) Any person on any public street, sidewalk, mall, park, or public space; or
- (2) Any person in any parking lot, sidewalk, or other place open to the public in a shopping center or other privately-owned property open to the public; or
- (3) Any person on adjacent private property.

d. The provisions of this section shall not prevent the City from destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. The City shall provide notice and an opportunity for a hearing prior to entering private property and the abatement of a nuisance hive, unless circumstances require immediate action and notice cannot be given. In such case, the City will provide prompt notice and hearing post entry and abatement. In the event the City finds it necessary to destroy bees or a bee colony, through failure to correct a violation of City ordinance or in protection of public safety, a fine of no less than \$150 shall be assessed to the beekeeper responsible for the colony. Circumstances necessitating bee or bee colony destruction will occur when:

- (1) There is a bee colony not residing in a hive structure intended for beekeeping;
- (2) There is a dangerous swarm of bees that poses an immediate risk to the safety of humans; or
- (3) There is a colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

e. Any hive or colony found in violation of the City Code, but not creating a public safety hazard, shall have a request for inspection of the hive or colony made to the Illinois Department of Agriculture.

Section 3. Publication. The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

Section 4. Severability. In the event any part of this Ordinance shall be found and determined to be invalid by a Court of competent jurisdiction, all valid parts that are severable from this invalid part shall remain in full force and effect.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herein, are hereby repealed, provided, however, that nothing herein contained shall affect any rights, action, or causes of action, which have accrued to the City of Le Roy, prior to the effective date of this Ordinance.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Kelly Lay and seconded by Sarah Welte by roll call vote on the 20th day of February, 2023 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Justin Morfey, Kelly Lay, Patti Welander, Matt Steffen, Kyle Merkle, Ron Legner, Sarah Welte, Dawn Hanafin

Voting Nay:

None

Absent: None

Abstain:

None

Other:

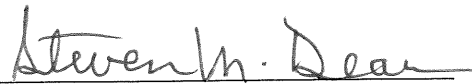
None

And deposited and filed in the office of the City Clerk in said municipality on the 20th day of February, 2023.



Anita Corso, City Clerk of the
City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 20th day of February, 2023.



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois



Anita Corso, City Clerk of the City of Le Roy
Mc Lean County, Illinois

ATTEST: (SEAL)



SEAL
CITY OF LE ROY
MC LEAN COUNTY, ILLINOIS

CERTIFICATE

I, Anita Corso, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **February 20, 2023** the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 23-02-04-51**.

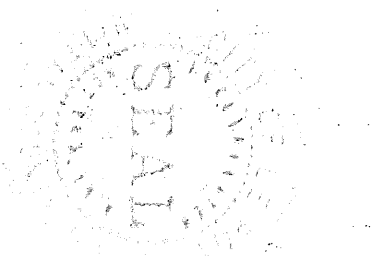
**AN ORDINANCE AMENDING THE CITY CODE –
KEEPING OF BEES**

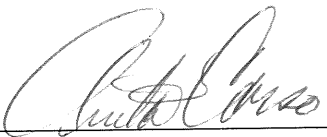
Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 23-02-04-51**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **February 20, 2023** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 20th day of February, 2023.

(SEAL)





Anita Corso
City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Anita Corso, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

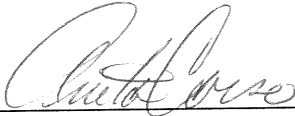
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING THE CITY CODE –
KEEPING OF BEES**

I do further certify said ordinance was adopted by the City Council of the City of Le Roy at a regular meeting on the 20th day of February, 2023, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 20th day of February, 2023

(SEAL)



Anita Corso, City Clerk of the
City of Le Roy,
McLean County, Illinois