

Falcon Heights City Council Workshop

**City Hall
2077 W Larpenteur Ave.
6:30 p.m.**

AGENDA

Wednesday, December 5, 2012

- 1) Continued 2013 Draft Enterprise Fund Budget Discussion**
- 2) Continued Discussion/Planning Commission Feedback on Prairie Grass Ordinance**
- 3) Discussion on Draft Bee Keeping Ordinance from Environment Commission**

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.



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REQUEST FOR COUNCIL ACTION

Meeting Date	December 5, 2012
Agenda Item	Workshop 1
Attachment	Estimated Statement of Cash Flows- Sanitary Sewer Fund and Storm Drainage Fund
Submitted By	Bart Fischer, City Administrator

Item	Follow up discussion on 2013 Draft Sanitary Sewer Fund and Storm Drainage Fund.
Description	<p>At the October 3rd City Council Workshop, Council discussed the 2013 Draft Enterprise Fund Budgets. After the discussions, Council asked for some clarification on items and further discussion at a future Workshop. Council and Staff will continue discussion on the 2013 Draft Sanitary Sewer Fund and Storm Drainage Fund.</p> <p><u>Storm Sewer</u> The City continues to see increased state and federal mandates in regards to storm sewer operations. In addition, the City has been looking for a way to rectify the flooding problem at Curtiss Field. The Capitol Region Watershed has indicated a willingness to partner on this project in 2013. Proposed in the 2013 Storm Sewer Budget are the estimated City costs associated with the Curtiss Field Project. Staff is proposing a \$.75/month increase to the storm sewer fee, which will bring the quarterly bill for residential customers to \$22.00/quarter. Even with this increase, the fund will see a projected loss due to the estimated City costs for the Curtiss Field project. The increase will help to make this fund structurally sound into the future.</p> <p><u>Sanitary Sewer</u> The second of the City's enterprise funds is the Sanitary Sewer Fund. After reviewing the data from 2012, there are 2 major areas of increased expenses for 2013. Solid waste treatment costs from Met Council Environmental Services is expected to increase by approximately \$106,000, and \$50,000 is being budgeted for televising and jetting the system. This is done every 3 years and was last done in 2010.</p> <p>Staff is proposing to increase the flat rate from \$26.50/quarter to \$28.75/quarter and the variable rate correspondingly. It is important to maintain a positive cash flow in this fund as we continue to transfer money from this account to the general fund to lower the needed property tax levy.</p>

Budget Impact	Dependent on eventual adoption by the City Council.
Attachment(s)	Estimated Statement of Cash Flows-Sanitary Sewer Fund and Storm Drainage Fund.
Action(s) Requested	No formal action is requested, but staff will incorporate any comments into the final budgets which will be approved at the December 12, 2012, City Council meeting.

ESTIMATED

STATEMENT OF CASH FLOWS STORM DRAINAGE FUND For Year Ending December 31

	Actual Year Ending 31-Dec 2007	Actual Year Ending 31-Dec 2008	Actual Year Ending 31-Dec 2009	Actual Year Ending 31-Dec 2010	Actual Year Ending 31-Dec 2011	Estimated Year Ending 31-Dec 2012	Increase of 0.50/mo 1.50/qr 1 7.59% increase Estimated Year Ending 31-Dec 2013	Increase of 0.75/mo 2.25/qr 2 11.39% increase Estimated Year Ending 31-Dec 2013	Increase of 1.00/mo 3.00/qr 3 15.19% increase Estimated Year Ending 31-Dec 2013
CASH FLOWS - OPERATING ACTIVITIES:									
Receipts from Customers and Users	9,756/qr	15,759/qr	16,751/qr	16,751/qr	17,501/qr	19,751/qr	21,251/qr	22,751/qr	22,751/qr
Payment to Suppliers	69,268	110,960	120,419	120,570	124,898	140,734	151,416	156,764	162,112
Payments to Employees	(76,012)	(29,009)	(7,547)	(30,453)	(54,954)	(78,251)	(75,890)	(75,890)	(75,890)
	(55,441)	(56,196)	(57,424)	(59,088)	(60,808)	(63,455)	(66,230)	(68,230)	(68,230)
Net Cash Flows - Operating Activities	(82,185)	25,755	55,448	31,049	9,136	(972)	7,296	12,644	17,992
CASH FLOWS - INTERGOVERNMENTAL REVENUE:									
Grants									
CASH FLOWS - NONCAPITAL FINANCING ACTIVITIES:									
Transfer to Other Funds	(4,000)	0	0	0	0	0	0	0	0
Transfer from Other Funds				18,898					
CASH FLOWS - CAPITAL AND RELATED FINANCING ACTIVITIES:									
Capital Purchases	(141,830)	0	(60,469)	(19,366)	0	(3,400)	0	0	0
Curtis Pond Drainage Project					(58,957)		(200,000)	(200,000)	(200,000)
Watershed District Downstream project:									
Catch Basin Repairs					0	0	0	0	0
Transfer to Infrastructure									
Transfer to Parking Lot/Rain Garden									
Transfer from Sanitary Sewer Fund									
	(141,830)	0	(202,469)	(19,366)	-58,957	-3,400	-200,000	-200,000	-200,000
CASH FLOWS - INVESTING ACTIVITIES:									
Investment Income	23,344	12,354	12,570	3,468	2,369	1,800	1,500	1,500	1,500
CASH FLOWS - CAPITAL AND RELATED FINANCING ACTIVITIES:									
Net Increase (decrease) in Cash and Cash Equivalents	(184,671)	38,109	(134,451)	34,049	(47,452)	(2,572)	(91,204)	(80,508)	(80,508)
Cash and Cash Equivalents - January 1	505,773	321,102	359,211	224,760	258,809	211,357	208,785	208,785	208,785
Cash and Cash Equivalents - December 31	321,102	359,211	224,760	258,809	211,357	208,785	117,581	122,929	128,277

ESTIMATED

STATEMENT OF CASH FLOWS SANITARY SEWER FUND For Year Ending December 31

	Actual Year Ending 31-Dec 2007	Actual Year Ending 31-Dec 2008	Actual Year Ending 31-Dec 2009	Actual Year Ending 31-Dec 2010	Actual Year Ending 31-Dec 2011	Increase of 0.50/mo 1.50/qr 1	Increase of 0.75/mo 2.25/qr 2	Increase of 1.00/mo 3.00/qr 3
CASH FLOWS-OPERATING ACTIVITIES:								
Receipts from Customers and Users	580,306	648,535	747,091	727,406	751,160	771,610	788,400	817,600
Receipts from SACS charged to users				2,230	2,230	14,610	14,610	14,610
Payment to Suppliers	(466,915)	(495,323)	(534,976)	(606,954)	(518,259)	(620,168)	(620,168)	(620,168)
Payments to Employees	(60,091)	(68,667)	(78,043)	(86,285)	(100,601)	(111,593)	(111,593)	(111,593)
Miscellaneous Revenue				6,900	11,270			
Net Cash Flows - Operating Activities	53,300	84,545	134,072	41,067	145,800	54,459	71,249	100,449
CASH FLOWS -CAPITAL AND RELATED FINANCING ACTIVITIES:								
Capital Purchases	0	0	(16,249)	(16,436)				
Transfer to Storm Drain for 2006 Drainage Project		(65,000)	(77,400)	(77,400)	(23,000)	(60,000)	(60,000)	(60,000)
Transfer to General Fund	0	(65,000)	(16,249)	(93,636)	(23,000)	(60,000)	(60,000)	(60,000)
CASH FLOWS - INVESTING ACTIVITIES:								
Investment Income	80,843	60,014	67,356	29,035	14,194	17,000	17,000	17,000
Net Increase (decrease) in Cash and Cash Equivalents	134,143	79,559	165,179	(23,734)	136,994	(8,541)	8,249	37,449
Cash and Cash Equivalents - January 1	1,445,246	1,579,389	1,658,948	1,844,127	1,820,393	2,006,463	2,006,463	2,006,463
Cash and Cash Equivalents - December 31	1,579,389	1,658,948	1,844,127	1,820,393	1,957,387	1,997,922	2,014,712	2,043,912

Single Family Homes 1182
Townhouse Units 54
Apartment units: 608
Cellman 92
Commonwealth Terrace: 326
units 2262

Variable rate: 2011 0.0163735 cu/ft
2012 0.0173559 cu/ft
2013



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REQUEST FOR COUNCIL ACTION

Meeting Date	December 5, 2012
Agenda Item	Workshop 2
Title	Ordinance amending the Falcon Heights code to regulate natural landscaping.
Submitted By	Deborah Jones, Staff Liaison to the Environment Commission and the Planning Commission

Description	<p>The Falcon Heights Environment Commission recommends adoption of an ordinance explicitly allowing and regulating varied landscaping styles in Falcon Heights, including prairie gardens, meadow gardens and rain gardens. At the request of the City Council, the Planning Commission reviewed the proposed ordinance for possible impact in areas where the Planning Commission has authority, namely, zoning and planning and the comprehensive plan.</p>
Background	<p>Early in 2012 a Fairview Avenue resident approached the City about creating a prairie garden on his property. In the past the City Attorney informed staff that the City's existing regulations regarding vegetation (Chapter 54) assume that yards will be landscaped in the traditional way with turf grass. However, this assumption is not explicit in the code, beyond the requirement that grass and weeds must be kept trimmed below 6 inches in height. Prairie and meadow vegetation naturally grows much taller. This means that neighbors may complain about natural landscaping as violating the city code even when it is well-maintained. Furthermore, cases where a property owner insists that their neglected yard is a "prairie garden" are difficult to prosecute because the code does not define such gardens or provide any standards of maintenance beyond the 6 inch height limit.</p> <p>Many cities have ordinances that define and allow prairie gardens, water gardens, meadow gardens and other types of "natural" landscaping, sometimes requiring a permit. Falcon Heights does not have such an ordinance. Natural landscaping has a benefit to the environment in requiring less water, lower use of chemical pesticides and fertilizer, and, when well-established easier maintenance and less opportunity for noxious or invasive plants.</p> <p>The Environment Commission supports including natural landscaping in the options available to city residents and recommends adoption of the attached ordinance. The ordinance would amend the city code to define and allow prairie gardens and provide standards for maintenance and tools for enforcement. The draft is based on the City of Minnetonka's ordinance and does not include a permit requirement.</p> <p>The Planning Commission found that the proposed ordinance is in line with the vision and values of the City's comprehensive plan and that it does not require</p>

	any changes to the Zoning Code, Chapter 113. Commissioners pointed out that the city code does not impose setbacks and coverage limits on any other type of vegetation, other than the visibility triangle requirement at street intersections.
Budget Impact	Unknown
Attachment(s)	<ul style="list-style-type: none"> • Draft Ordinance 12-0_ regulating prairie gardens and other natural landscaping.
Action(s) Requested	<ul style="list-style-type: none"> • Discussion

ORDINANCE NO. _____

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTERS 22 AND 54 OF
THE CITY CODE CONCERNING VEGETATION

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 54 of the Falcon Heights City Code is amended by adding Section 54-41 to provide as follows:

Sec. 54-41. Vegetation Maintenance.

(1) Intent and Purpose. The city council finds that there are a variety of landscapes in the city that add diversity and richness to the quality of life. Certain areas in the city have been left, or allowed to go, unmaintained. These have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property that appears neglected may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:

- a. undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation;
- b. vegetation that causes allergic reactions, such as ragweed, may develop; and
- c. tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.

The city council also finds that it is in the public interest to allow citizens to choose the type of landscaping on their properties and to make changes in that vegetation. As a protection for the larger community, however, this change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.

The council finds that the establishment of prairie and meadow plant communities is an acceptable landscape treatment in the city. This requires special consideration, however, because weeds will grow during the first few years of transition before the new vegetation predominates and will appear like neglect. Therefore, the council finds that this type of vegetation is acceptable if it is properly maintained to shorten the transition period and if notice is given of the intended result.

In contrast, the transition to trees and other woody species does not require special consideration because untended grass or weeds are not a necessary part of that transition period. Rather, the transition period is shortened by eliminating competition around the seedlings through such techniques as organic mulch.

The city council enacts this section to balance the public interest in a variety of vegetation with the public need to ensure proper maintenance of that vegetation. The council finds that establishing a height limitation for certain vegetation is in the best interest of the public health, safety, and welfare as outlined above and is a reasonable maintenance standard.

(2) Definitions. For purposes of this section the following words have the meanings specified below.

a. "Meadow vegetation" is grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.

b. "Noxious weeds" are those plants so designated by the state of Minnesota under Minn. Stat. § 18.171, subd. 5.

c. "Regularly cut" means mowing or otherwise cutting the vegetation so that it does not exceed 6 inches in height.

d. "Turf grasses" are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and non-woody vegetation interspersed with them.

e. "Weeds" include all noxious weeds, buffalobur, burdock, common cocklebur, jimsonweed, quackgrass, common and giant ragweed, and velvetleaf. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan to the City for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.

(3) Maintenance standard. The maintenance standard in this section applies to property that has been developed with a building as defined in the building code,

including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

a. All turf grasses and weeds must not exceed a height of 6 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.

b. This requirement does not apply to the following:

(1) a wetland or floodplain designated in the zoning ordinance and wetland buffers voluntarily created by a private land owner when compatible with the character of the neighborhood;

(2) a drainage pond or ditch that stores or conveys stormwater;

(3) an area in which the land and vegetation appears not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and

(4) an area established with meadow vegetation if:

(a) the prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;

(b) the area is cut at least once per year to a height of no more than 6 inches;

(c) a sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the sign ordinance but must be no smaller than ten inches square, no larger than one square foot, and no higher than three feet tall; and

(d) the area is set back a minimum of 10 feet from the street curb.

(4) Declaration of public nuisance. The following are public nuisances subject to abatement under this chapter:

a. noxious weeds; and

b. vegetation that does not meet the maintenance standard specified in paragraph 3 above.

SECTION 2. Subsection 22-19, Subdivision 4 of the Falcon Heights City Code is amended to provide as follows:

No owner agent or occupant of any premises shall permit upon his or her premises fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

SECTION 3. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this _____ day of _____, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Bart Fischer, City Administrator/Clerk



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REQUEST FOR COUNCIL ACTION

Meeting Date	December 5, 2012
Agenda Item	Workshop 3
Title	Ordinance amending the Falcon Heights code to allow beekeeping.
Submitted By	Deborah Jones, Staff Liaison to the Environment Commission

Description	The Falcon Heights Environment Commission recommends adoption of an ordinance allowing and regulating beekeeping in residential neighborhoods of Falcon Heights.
Background	<p>At the request of Mayor Lindstrom, the Environment Commission initiated a study of urban beekeeping in June of this year. Gary Reuter, a bee scientist at the University of Minnesota Bee Lab, visited the Commission to present basic information on beekeeping in the urban environment. From Reuter, Commissioners learned that honeybees are not aggressive and dangerous when properly provided for. Bees are, in fact, all around us, with or without hives in yards. U.S. agriculture depends on pollination by honeybees.</p> <p>Commissioners discussed the topic over the next few months and formed a consensus to support adoption of an ordinance that would allow beekeeping in the City. The attached ordinance is based on a model ordinance prepared by the Minnesota Hobby Beekeepers Association. Commissioners added a permit requirement (including an education requirement), setbacks from neighboring properties and consent from nearby residents and property owners. These additional requirements (Section 6 of the draft) are based on the Minneapolis ordinance.</p> <p>The Environment Commission's support of beekeeping is based on the value and benefit of honeybees in the pollination of plants and providing food. A quorum of Commissioners voted to recommend the draft ordinance to the Council. One Commissioner dissented on the grounds that yards in the City are too small for this activity.</p>
Budget Impact	Unknown
Attachment(s)	Draft Ordinance allowing and regulating beekeeping in the City of Falcon Heights
Action(s) Requested	Discussion. Does the City Council favor allowing residential beekeeping in Falcon Heights neighborhoods? The attached ordinance is a preliminary draft that has not been seen or revised by the City Attorney, whose input should be sought if the Council wishes to pursue this matter. A final version of the ordinance would probably require amendments to both Chapter 10 Animals and Chapter 113 Zoning.

City of Falcon Heights
Beekeeping Ordinance
Draft for Environment Commission
October 8, 2012

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, and to Minnesota in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Minnesota is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, honeybees are bioindicators of environmental pollution and pollinators for food crops and other native and non-native plant communities; and

WHEREAS, home beekeeping enhances food security, provides a source of pure honey with known origin and composition and contributes to the environmental and food production knowledge of our citizenry

NOW THEREFORE, be it ordained and enacted by the City of Falcon Heights:

Section 1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

2.1 “Apiary” means the assembly of one or more colonies of bees at a single location.

2.2 “Beekeeper” means a person who owns or has charge of one or more colonies of bees.

2.3 “Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

2.4 “Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

2.5 “Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

2.6 “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

2.7 “Lot” means a contiguous parcel of land under common ownership.

2.8 “Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

2.9 “Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Section 3. Purpose of Ordinance.

3.1 The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

3.2 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper’s efforts to abate any proven nuisance.

3.3 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper’s compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

Section 4. Standards of Practice.

4.1 Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

4.2 Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

4.3 Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.

4.4 For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.

4.5 Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing

unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

Section 5 Colony Density.

5.1 Except as otherwise provided in this ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the City limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.

5.2 No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:

- a. One half acre or smaller lot 2 colonies
- b. Larger than 1/2 acre but smaller than 3/4 acre lot 4 colonies
- c. Larger than 3/4 acre lot but smaller than 1 acre lot 6 colonies
- d. One acre but smaller than 5 acres 8 colonies
- e. ~~Larger than 5 acres no restriction~~

~~5.3 Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.~~

5.4 If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

Section 6. Permit.

6.1 No person shall keep, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any private property in the City of Falcon Heights without a permit.

6.2 Any person desiring a permit for the keeping of honeybees shall make written application to the City Clerk on a form provided, accompanied by a site plan of the real property upon which bees are to be kept, showing the number and location of hives and the provision for flyway barriers, water supply and any other conditions required by this section. The application shall include a statement that the applicant will at all times keep the bees in accordance with the provisions of this ordinance and any additional restrictions, limitation conditions or prohibitions specified in the permit as necessary to safeguard public health and general welfare.

6.3 The City Clerk may grant a permit pursuant to this section only after the applicant has met any educational requirement as established by the City Council.

6.4 Consent. The applicant for a beekeeping permit must obtain and provide with the application written consent of 100% of the owners or occupants of properties immediately adjacent to the real property described in the application and at least 80% of the owners or occupant of properties within 100 feet.

6.5 All beekeeping permits shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be an amount established by the City Council. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by the City.

Section 7. Inspection.

A designated City official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

Section 8. Presumed Colony/Hive Value.

For the purpose of enforcing City ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

Section 9. Compliance.

9.1 Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, [the designated City official] shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, [the designated City official] shall cause a written notice of hearing to be issued to the beekeeper, which notice shall set forth:

- a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days' from the date of the notice;
- b. The violation alleged;
- c. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter, and

d. That if [the designated City official] finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the bees may be ordered removed and/or destroyed.

Notices shall be given by certified US Mail return receipt requested or personal delivery. However, if the beekeeper cannot be located, then notice may be given by publication in a legal newspaper for the county in which the apiary property is located, at least seven days before the hearing.

9.2 The hearing shall be conducted by [the designated City official]. The burden shall be on the City to demonstrate by a preponderance of evidence that the colony or colonies have been kept in violation of this ordinance. If [the designated City official] finds a violation, then he/she may order that the bees be removed from the City or such other action as may address the violation, and that the apiary lot be disqualified for permitting under this ordinance for a period of 2 years from the date of the order, the apiary lot ownership changes, in which case the prohibition shall terminate. If the order has not been complied with within 20 days of the order, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Upon destruction of bees by the City, all equipment shall be returned by the City to the beekeeper, with expenses of transportation to be paid by the beekeeper. The City's destruction of the bees shall be by a method that will not damage or contaminate the equipment, include wax foundation.

9.3 The decision of the hearing officer may be appealed by the beekeeper as provided in the City's rules and procedures. If no provision for appeal exists, then the beekeeper may file a notice of appeal with the City secretary within 15 days of the date the order is placed in US Mail to the beekeeper, or 10 days if the decision is announced at the hearing by [the designated City official]. An appeal shall not stay [the designated City official]'s decision and the beekeeper shall be required to comply with such order pending the outcome of the appeal.

9.4 No hearing and no order shall be required for the destruction of honey bees not residing in a hive structure that is intended for beekeeping.

Section 10. Savings Clause.

In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

Section 11. Effective Date.

This ordinance shall become effective on _____, 20_____.