

ORDINANCE NO. 2016-27

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II - CHAPTER 14 - ANIMALS AND FOWL**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Part II, Chapter 14, Article I, Section 14-9 be amended to update and comply with requirements of North Carolina General Statutes; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are consistent with the City of Brevard Land Use Plan, Comprehensive Plan, and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, September 19, 2016, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Part II, Chapter 14 be amended as outlined in Exhibit A which is included with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Brevard City Code, Part II, Chapter 14 is hereby amended as depicted in Exhibit A.

SECTION 02. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19th day of September, 2016.



Desiree D. Perry

Desiree D. Perry, CMC, NCCMC
City Clerk

Jimmy Harris

Jimmy Harris
Mayor

APPROVED AS TO FORM:

Michael K. Pratt

Michael K. Pratt
City Attorney

**ORDINANCE NO. 2016-27
EXHIBIT A**

Text amendments are shown in blue underline and deletions are shown in red strikethrough.

CODE OF ORDINANCES CITY OF BREVARD, NORTH CAROLINA

Chapter 14 – Animals and Fowl

Article I – In General

Sec. 14-9. – Keeping bees.

(a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use, on any lot or parcel of land within the corporate limits of the city, any hives or other enclosures for the purpose of keeping any bees or other such insects unless every part of such hive or enclosure is located at least 75 feet from a dwelling house located on the adjoining property.

(b) On lot sizes of 15,000 square feet or less, no more than ~~four~~ five hives (colonies of bees) will be permitted. The hives shall be no closer than 15 feet from any property line, and all hives shall be placed at ground level or securely attached to an anchor or stand. On lots larger than 15,000 square feet, additional hives will be permitted on the basis of one hive for each ~~5,000~~ 3,000 square feet in excess of 15,000.

(c) This section shall pertain only to honey bees maintained in movable frame hives and it does not authorize the presence of hives with nonmovable frames or feral honey bee colonies (honey bees in trees, sides of houses, etc.).

~~(d) The hives (colonies) of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.~~

(d) The City may require the removal of a hive, or hives, if the owner no longer maintains the hive(s), or if removal is necessary to protect the health, safety, and welfare of the public, as allowed by NCGS 106-645(b)(4).