



47 definitions shall apply:

48 **"Animal"** means any non-human living creature, whether wild or domesticated.

49 **"Animal control officer"** means an animal control officer or police officer employed by  
50 Provo City.

51 **"Animal grooming parlor"** means any establishment offering cosmetological services for  
52 animals and for profit.

53 **"Animal holding facility"** means any pet shop, kennel, cattery, grooming parlor, riding  
54 school, stable, animal shelter, veterinary hospital, humane establishment or any other such facility  
55 used for boarding animals.

56 **"Animal shelter"** means a facility owned or operated by a governmental entity or any  
57 animal welfare organization that is incorporated under the laws of the State of Utah and used for the  
58 care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other  
59 domestic animals.

60 **"Animal at large"** means any domesticated animal, whether or not licensed, not under  
61 restraint.

62 **"Animal under restraint"** means an animal on a leash or lead which is held by a person or  
63 attached to a stationary object, or confined within a vehicle, or confined upon the real property of  
64 the owner or custodian.

65 **"Apiary"** means any place where one (1) or more colonies of bees are located.

66 **"Beekeeper"** means a person who owns or has charge of one (1) or more colonies of bees.

67 **"Beekeeping equipment"** means anything used in the operation of an apiary, such as hive  
68 bodies, supers, frames, top and bottom board, and extractors.

69 **"Bite"** means a puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

70 **"Cat"** means a feline of the domesticated types.

71 **"Cattery"** means an establishment for boarding, breeding, buying, grooming or selling cats  
72 for profit.

73 **"Colony"** means bees in any hive including queens, workers, or drones.

74 **"Custodian"** means a person having the charge, care, custody or control of an animal which  
75 the person does not own.

76 **"Dog"** means any canis familiaris of the domesticated types.

77 **"Domesticated animals"** means animals domesticated by man so as to live and breed in a  
78 tame condition, including but not limited to cats, dogs, fowl, horses, cattle, swine, sheep, and goats.

79 **"Guard Dog"** means a dog used for the purpose of deterring crime.

80 **"Hive"** means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural  
81 receptacle which may be used to house bees.

82 **"Honeybee"** means the common honeybee, *Apis mellifera* species, at any stage of  
83 development, but not including the African honeybee, *Apis mellifera scutellata* species, or any  
84 hybrid thereof.

85 **"Kennel"** means a premise where more than two (2) dogs or two (2) cats are raised, kept,  
86 housed, boarded or engaged in the commercial business of breeding.

87 **"Leash or lead"** means any chain, rope or device used to restrain an animal.

88 **"Mason bee"** means the common mason or blue orchard bee in the genus *Osmia*, of the  
89 family Megachilidae.

90 **"Pet"** means a domesticated animal kept for pleasure rather than utility, including, but not  
91 limited to birds, cats, dogs, fish, rabbits, hamsters, mice, and other domesticated animals kept for  
92 pleasure rather than utility. The term "pet" includes Vietnamese pot-belly pig, but no other kind of

93 swine.  
94 **"Pet shop"** means any establishment, not part of a kennel or cattery, containing cages or  
95 exhibition pens wherein dogs, cats, birds, or other pets for sale are kept or displayed.

96 **"Quarantine"** means the isolation of an animal in a substantial enclosure so that the animal  
97 is not subject to contact with other animals or unauthorized persons.

98 **"Riding school or stable"** means an establishment which offers boarding or riding  
99 instruction for any horse, pony, donkey, mule or burro or which offers such animals for hire.

100 **"Stray"** means any "animal at large."

101 **"Vicious animal"** is an animal:

102 (a) with a known propensity, tendency, or disposition to attack unprovoked, to cause  
103 injury to, or to otherwise endanger the safety of humans or other domestic animals; or

104 (b) which attacks a human being or other domestic animal without provocation; or

105 (c) which is trained or used to fight, or, to attack humans.

106 (d) This provision shall not apply to a dog owned or used by a government entity.

107 Feeding a domesticated animal to a snake shall not make the snake a vicious animal.

108 **"Wild animal"** means all animals commonly accepted as being "wild" and includes, but is  
109 not limited to, the following, no matter how domesticated they may be:

110 (a) Alligators and crocodiles.

111 (b) Bears (ursidae).

112 (c) Cat family (felidae), except the commonly accepted domesticated cats.

113 (d) Coyotes, foxes and wolves, including the offspring of one of the foregoing with  
114 a domestic dog wherein the proportion of wild animal exceeds one-eighth (1/8th).

115 (e) Porcupine (erehizontiade).

116 (f) Nonhuman primates (hominidae).

117 (g) Raccoon (prosynnidae).

118 (h) Skunks.

119 (i) Venomous snakes or venomous lizards.

120 (j) Weasels (mustelidae), except "European" ferrets.

121

122 PART II:

123

124 Chapter 8.03 of the Provo City Code is hereby enacted as follows:

125

126 **Chapter 8.03. Beekeeping**

127

128 8.03.010 Purpose

129 8.03.020 Certain Conduct Unlawful

130 8.03.030 Hives on Residential Lots

131 8.03.040 Beekeeper registration

132 8.03.050 Hives Species Allowed

133 8.03.060 Flyways Hives

134 8.03.070 ~~Water~~ Flyways

135 8.03.080 ~~Beekeeping equipment~~ Water

136 8.03.090 ~~Violations~~ Beekeeping Equipment

137 8.03.100 Violations

138

139 **8.03.010: Purpose.**

140 The purpose of this chapter is to authorize beekeeping subject to certain requirements  
141 intended to avoid problems that may otherwise be associated with beekeeping in populated areas.  
142

143 **8.03.020: Certain Conduct Unlawful.**

144 Notwithstanding compliance with the various requirements of this chapter, it shall be  
145 unlawful for any person to maintain an apiary or to keep any colony on any property in a manner  
146 that threatens public health or safety, or creates a nuisance.  
147

148 **8.03.030: Hives on Residential Lots..**

149 (1) As provided in this chapter, an apiary, consisting of not more than five (5) hives or an  
150 equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot that is  
151 larger than five thousand (5,000) square feet. On a residential lot which is larger than one-half (0.5)  
152 acre, the number of hives located on the lot may be increased to ten (10) hives.

153 (2) A person shall not locate or allow a hive on property owned or occupied by another  
154 person without first obtaining written permission from the owner or occupant.  
155

156 **8.03.040: Beekeeper Registration.**

157 Each beekeeper shall be registered with the Utah Department of Agriculture and Food as  
158 provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as  
159 amended.  
160

161 **8.03.050: ~~Hives~~ Species Allowed.**

162 Beekeepers are allowed to keep honeybees or mason bees as defined in 8.02.010.  
163

164 **8.03.060: ~~Flyways~~ Hives.**

165 (1) Honeybee colonies shall be kept in hives with removable frames which shall be kept in  
166 sound and usable condition.

167 (2) Hives shall be placed at least five (5) feet from any property line and six (6) inches above  
168 the ground, as measured from the ground to the lowest portion of the hive; provided, however, that  
169 this requirement may be waived in writing by the adjoining property owner.

170 (3) Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

171 (4) Each hive shall be conspicuously marked with the owner's name, address, telephone  
172 number, and state registration number.  
173

174 **8.03.070: ~~Water~~ Flyways.**

175 (1) A hive shall be placed on property so the general flight pattern of bees is in a direction  
176 that will deter bee contact with humans and domesticated animals.

177 (a) If any portion of a hive is located within fifteen (15) feet from an area which  
178 provides public access or from a property line on the lot where an apiary is located, as  
179 measured from the nearest point on the hive to the property line, a flyway barrier at least six  
180 (6) feet in height shall be established and maintained around the hive except as needed to  
181 allow access.

182 (b) Such flyway, if located along the property line or within five (5) feet of the  
183 property line, shall consist of

184 (i) a solid wall

- 185 (ii) fence
- 186 (iii) dense vegetation
- 187 (iv) combination thereof, which extends at least ten (10) feet beyond the hive
- 188 in each direction so that bees are forced to fly to an elevation of at least six (6) feet
- 189 above ground level over property lines in the vicinity of the apiary.

190

191 **8.03.080: ~~Beekeeping Equipment~~ Water.**

192 Each beekeeper shall ensure that a convenient source of water is available to the colony

193 continuously between March 1 and October 31 of each year. The water shall be in a location that

194 minimizes any nuisance created by bees seeking water on neighboring property.

195

196 **8.03.090: ~~Violations~~ Beekeeping Equipment.**

197 Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon

198 the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be

199 disposed of in a sealed container or placed within a building or other bee-proof enclosure.

200

201 **8.03.100: Violations.**

202 It shall be unlawful for any person to keep beehives in a manner that is contrary to the

203 provisions of this chapter. Any such violation shall be a class C misdemeanor.

204

205 **PART III:**

206

207 A. If a provision of this Ordinance 2011- \_\_ conflicts with a provision of a previously

208 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the

209 provision in this Ordinance shall prevail.

210

211 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be

212 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the

213 remainder of the ordinance shall not be affected thereby.

214

215 C. The Municipal Council hereby directs that the official copy of the Provo City Code be

216 updated to reflect the provisions enacted by this ordinance.

217

218 D. This ordinance shall take effect immediately after being posted or published as required

219 by law.

220

221 **END OF ORDINANCE**