

ORDINANCE NO. 2024- 7

**AN ORDINANCE OF THE TOWN COUNCIL OF
LYNN, INDIANA CONCERNING BEEKEEPING**

WHEREAS, it is in the interests of public health and safety that the Town of Lynn, Indiana should regulate bees and bee hives within the Town Limits of the Town of Lynn.

WHEREAS, Indiana Code § 36-1-28-1 prohibits towns from containing ordinances which prohibit beekeeping but may adopt ordinances regulating beekeeping by residents of the town.

WHEREAS, Ordinance 2006-1 adopted July 5, 2006, by the Town Council of the Town of Lynn, Indiana which prohibited residents of Lynn, Indiana from maintaining beehives.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lynn as follows:

1. Ordinance 2006-1 is hereby repealed.
2. Residents of the Town of Lynn, Indiana are permitted to maintain apiaries for personal beekeeping use upon the following rules and requirements:
 - a. General Requirements
 - i. The number of colonies on a lot is limited to 1 colony per 4,100 square feet of lot area up to maximum of 6 colonies regardless of lot size.
 - ii. No bee colony shall be kept in a hive that exceeds 10 cubic feet.
 - iii. Bee hives may be located on the ground or on the roof of any building with a permanent foundation.
 - iv. Hives on the ground may not be located in the front yard.
 - v. Hives must be set back a minimum of 15' from any property line.
 - vi. If the opening of any hive located on the ground opens directly onto any activity area (such as a walkway, patio, swimming pool, play area, etc.) then a flyway barrier must be maintained to the following standards
 1. Be minimum of 6 feet in height; and
 2. Consist of a solid wall, fencing material, or dense vegetation (or in combination) running parallel to the property line and extending at least 5 feet beyond the hive in each direction so that

all bees are forced to fly at an elevation of at least 6 feet above ground.

- vii. Colonies shall be maintained in movable-frames with adequate space and management techniques to prevent overcrowding and swarming.
- viii. Any colony exhibiting swarming or aggressive behavior must be immediately re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurring.
- ix. Every beekeeper shall maintain the following on the same property a colony is located:
 - 1. An adequate supply of fresh water located near to each hive; and
 - 2. Annual and/or perennial plantings that offer a diversity of natural pollen and forage.
- x. A sign must be posted on the property warning people of the apiary's presence.

b. Registrations and Training

- i. Beekeepers are encouraged to register their colonies with the Indiana Department of Natural Resources Division of Entomology and Plant Pathology prior to April 1 of each year.
- ii. The beekeeper(s) shall have successfully completed the Indiana bee school hosted by Beekeepers of Indiana. Residents shall supply proof of completion to the Town Marshal or Clerk-Treasurer prior to beginning beekeeping.

c. Violations and Penalties

- i. Upon the determination that a violation of this section has occurred, the appropriate representative of the town shall provide to the property owner/beekeeper a notice of violation describing the nature of the violation and allowing the property owner/beekeeper 60 days within which to bring his or her property into compliance. Thereafter, the town reserves the right to take all reasonable actions to remedy any violation of this section, including, but not limited to, the removal or destruction of any hive or colony which poses a threat to the public health, safety, or welfare or creates a public nuisance, or which has been abandoned. In addition, any person found to be in violation of the provisions set forth herein shall be subject to the penalties set forth in this Ordinance.

- ii. Any person who has not remedied any notice of violation after 60 days shall be fined the sum of \$100.00 and any second violation within 12 calendar months of the first violation shall incur a fine of double the stated amount and any third or subsequent violation within 12 calendar months of the first violation shall incur a triple fine of the stated amount.
- iii. The fines shall be collected by the Town Clerk-Treasurer and transferred to the General Fund.
- iv. If a violator fails to pay fines or appear at the Clerk-Treasurer's office within five days after the 60 days remediation period such violation may be filed with a court with jurisdiction to hear ordinance violation.
- v. In addition to the fines set forth herein, any person who violates the provisions of this ordinance shall make full restitution for any damages or injury to persons or property as a result of such violation, including, but not limited to, medical expenses, the value of any real or personal property which has been destroyed, or the cost of repairing any damage to real or personal property.
- vi. In addition to any fine or penalty set forth above, if a violation must be prosecuted through any Court, the violator, upon conviction, shall pay reasonable attorney fees and court costs as determined by the court.

Passed and adopted by the Town Council of the Town of Lynn, Indiana, this 2 day of October 2024.

TOWN COUNCIL OF THE TOWN OF
LYNN, INDIANA

Arthur Kintley
COUNCIL MEMBER

Robert J. Hatcher
COUNCIL MEMBER

Barb Johnson
COUNCIL MEMBER

ATTEST:

Michael L. Straley III
Michael Straley III, Clerk/Treasurer