

ORDINANCE NO. 20120322-019

AN ORDINANCE AMENDING CITY CODE CHAPTER 3-6 TO PROVIDE FOR THE RELOCATION OF WILD OR ABANDONED BEES THAT DO NOT THREATEN HUMAN OR ANIMAL HEALTH OR INTERFERE WITH THE NORMAL USE OR ENJOYMENT OF PUBLIC OR PRIVATE PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 3-6-22 of the City Code (*Destruction of Wild or Abandoned Bees*) is amended to read as follows:

§ 3-6-22 DESTRUCTION OF WILD OR ABANDONED BEES.

(A) The health authority will order relocation of bees described in Subsection (B) (1)-(3) if the relocation of the bees can be done without threatening human or animal health or interfering with the normal use and enjoyment of public or private property.

(B) If relocation of bees under Subsection (A) is not possible then, [W]without notice and a hearing, the health authority may [destroy] order destruction of:

- [(A)](1) a colony not residing in a hive;
- [(B)](2) a swarm of bees; or
- [(C)](3) a colony residing in an abandoned standard or man-made hive.

PART 2. Subsections (B) and (D) of Section 3-6-23 of the City Code (*Notice of Violation or Hearing*) are amended to read as follows:

§ 3-6-23 NOTICE OF VIOLATION OR HEARING.

(B) If a person requests a hearing or fails to correct an alleged violation within 10 days of the date a notice of violation is issued, the health authority shall issue a notice of hearing to the person. Notice of hearing issued under this section must include:

- (1) the date, time and place of the hearing;
- (2) a description of the alleged violation;

- (3) a statement that the person may appear in person or through counsel, present evidence, cross examine witnesses, and request that the proceeding be recorded; and
 - (4) a statement that the bees may be ordered relocated, destroyed or removed if the health authority finds a violation of this chapter has occurred.
- (D) If the health authority is unable to locate[~~d~~] the owner of a colony, notice under this chapter may be given by:
- (1) a single publication in a newspaper of general circulation at least five days before the date of the hearing; and
 - (2) posting a notice on the tract where the colony is located.

PART 3. Subsection (B) of Section 3-6-24 of the City Code (*Enforcement Procedure*) is amended and a new subsection (F) is added to Section 3-6-24 of the City Code (*Enforcement Procedure*) to read as follows:

§ 3-6-24 ENFORCEMENT PROCEDURE.

- (B) If the health authority finds that a person has committed a violation of this chapter, the health authority may:
- (1) issue an enforcement order;
 - (2) order that the person's bees be relocated, destroyed or removed not later than the 20th day after the date of the decision; and
 - (3) prohibit the person from locating a colony on the same tract for a period of two years following the date of the decision.
- (F) In issuing orders under this section, the health authority will order the relocation of bees, instead of their destruction, if relocation can be done without threatening human or animal health or interfering with the normal use and enjoyment of public or private property.

PART 4. This ordinance takes effect on April 2, 2012.

PASSED AND APPROVED

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_____ March 22 _____, 2012	§	_____
		Lee Leffingwell
		Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk