

Spencer

Are bees allowed? Yes, on a hobby basis. Full citation available at http://www.sterlingcodifiers.com/codebook/index.php?book_id=416

Email from Mark White dated 9 – 3 – 2015: Kirby and I spoke over the phone about the definition of “hobby” as opposed to “commercial,” Commercial is defined in Additional Notes below. Our interpretation is that the sale of animals, not the products of animals, are called out in the code.

If a nuisance was called: Title 6 Public Safety and Fire Prevention Ch. 4 Animal Control 6-4-10. Pets and Hobby Animals E. A neighbor would need to show violation of the 8 terms. Along with proving that your bee could be identified as a nuisance, term 8 would also make a nuisance difficult to file (see below).

Definitions: HOUSEHOLD PETS AND HOBBY ANIMALS: “Mammals”, “birds”, fish, amphibians, arachnids, insects, and “reptiles” as specifically defined in this section....

E. Nuisances: No person shall keep animals subject to the provisions of this section which cause a “public nuisance”. A “public nuisance” shall include: ...8. Any animals kept for commercial purposes.

Additional notes: Hobby, Sideline, and Commercial bee keepers note the following:

Commercial is not defined as contribution to income-. Home use permit may be required.

However, Title 6 Public Safety and Fire Prevention Ch. 4 Animal Control 6-4-10. Pets and Hobby Animals F. Commercial Use Prohibited 6. “Reporting activities in connection with such animals...” would need the city attorney’s opinion regarding sale of hive products per staff advice.

F. Commercial Use Prohibited: No persons shall keep animals covered by this section for commercial purposes, except on premises where such commercial use is permitted under the city’s zoning ordinances or exclusively within the owner’s residence. The following facts shall be considered evidence of commercial activity:

The advertising of animals for sale.

The continuing periodic sale of animals.

Keeping animals in excess of the numerical limits established under subsection C of this section.

Licensing, registration or certification of the keeper of such animals as a “dealer”.

The holding of an Iowa sales tax permit related to the sale of animals.

Reporting activities in connection with such animals as a business on any legally required document, report, or tax return.

Any other factors that indicate commercial activity. (Ord. 510, 1-18-1999; Ord. 717, 4-18-2011)

Any animals kept for commercial purposes.

Sideline beekeepers: Per Kirby Schmidt, Planning Director, Zoning Officer: ...there are 7 points that describe when the pet or hobby animal activity becomes a commercial use. It is my opinion that the sale of honey would be in conflict with subsection 6, Reporting activities in connection with such animals as a business on any legally required document, report, or tax return. This might include: an income tax return. A sales tax report, a report to the USDA providing information that the food (honey) is certified for human consumption. If they receive compensation from the bees, they need to be in an approved commercial zoning district.

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