

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 36-2019

**AN ORDINANCE AMENDING § 91.10 (ACREAGE REQUIREMENTS FOR CERTAIN DOMESTIC ANIMALS) OF THE TOWN OF PLAINFIELD, INDIANA CODE OF ORDINANCES**

**WHEREAS**, the Town passed and adopted Ordinance 1-90, concerning acreage requirements for raising certain domestic animals, and that Ordinance is codified at § 91.10 of the Town Code of Ordinances;

**WHEREAS**, the Town of Plainfield, Indiana (“Town”) has the authority to amend ordinances passed and adopted by the Town;

**WHEREAS**, § 91.10 of the Town Code of Ordinances prohibits persons from raising bees on less than two acres of land;

**WHEREAS**, in 2019, the Indiana Legislature enacted Ind. Code § 36-1-28-1 (Limitation on Beekeeping Regulations), which prohibits units such as the Town from adopting or continuing in effect any ordinance, rule, regulation, or resolution that prohibits a person from beekeeping on property that he or she owns, rents, or leases;

**WHEREAS**, the Town may still adopt ordinances, rules, regulations, or resolutions concerning the number of active bee hives operated on a property and the location of bee hives on a property, and that conform to standards established by the Apiary Inspectors of America; and

**WHEREAS**, the Town now desires to amend § 91.10 of the Town Code of Ordinances to comply with Ind. Code § 36-1-28-1.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLAINFIELD, INDIANA, AS FOLLOWS.**

Section 1. The above recitals are incorporated by reference.

Section 2. §§ 91.10(B) and 91.10(E) of the Town Code of Ordinances (Acreage Requirements for Certain Domestic Animals) are hereby amended as follows:

(B) Any person desiring to raise any of the following named domestic animals or fowl must have minimum of two acres of land:

- (1) Cow, ox, cattle, calves or other livestock;
- (2) Donkey, ass, burro, mule;
- (3) Pig, swine, hog;
- (4) Sheep;
- (5) Goat; and
- (6) Chickens, roosters, geese, turkeys, ducks or other fowl.

(C) Bees must be kept in accordance with the following provisions.

(1) If bee colonies are kept within 75 feet of any exterior boundary of the property on which the hive, stand or box is located, or if the opening of a hive located on the ground opens within fifteen (15) feet of an activity area (such as a walkway, patio, swimming pool, play area, etc.), a flyway barrier must be maintained to the following standards:

i. Be a minimum of six (6) feet in height, and

ii. Consist of a solid wall, fencing material, or dense vegetation (or a combination) running parallel to the property line and extending at least five (5) feet beyond the hive in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above the ground.

(2) Adequate, fresh, and clean watering facilities for bees shall be provided on the premises where a colony is located.

(3) The bees and equipment shall be kept in accordance with the provisions of state statutes.

(4) No hive shall exceed ten (10) cubic feet in volume.

(5) In no event shall a hive be located closer than fifteen (15) feet from a property line, public sidewalk, street, or pathway. The distance shall be measured from the center of the closest hive to the edge of the public sidewalk, street, or pathway.

(6) A hive shall be maintained in such a manner so as not to cause unhealthy conditions or interfere with the normal use and enjoyment of public property, or the property of others.

(7) The number of colonies is limited to the following: one (1) colony per 4,100 square feet of area. In no event shall there be more than six (6) colonies per property.

(8) Bee hives shall be located on the ground or on the roof of any building with a permanent foundation. Hives located on the ground may not be located in a front yard.

(9) Colonies shall be maintained in movable frames with adequate space and management techniques to reduce overcrowding and swarming.

Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school or university building for the purpose of study or observation.

Section 3. Prior Ordinances and sections of Chapter 91 of the Town of Plainfield, Indiana Code of Ordinances are repealed only to the extent inconsistent with the terms of this Ordinance. Provisions consistent with this Ordinance and not repealed remain in full force and effect.

This Ordinance shall be effective January 28, 2020.

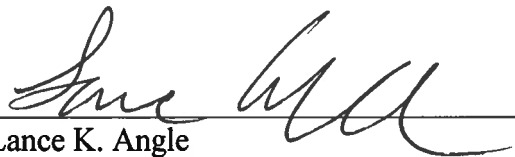
PASSED AND ADOPTED by the Town Council of the Town of Plainfield, Indiana this 27<sup>th</sup> day of January, 2020.

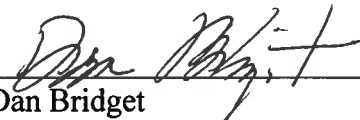
TOWN COUNCIL, TOWN OF PLAINFIELD  
HENDRICKS COUNTY, INDIANA

  
\_\_\_\_\_  
Robin G. Brandgard, President

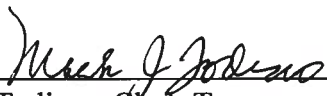
\_\_\_\_\_  
Kent McPhail

  
\_\_\_\_\_  
Bill Kirchoff

  
\_\_\_\_\_  
Lance K. Angle

  
\_\_\_\_\_  
Dan Bridget

ATTEST:

  
\_\_\_\_\_  
Mark Todisco, Clerk-Treasurer  
Town of Plainfield, Indiana