

**BIG WATER TOWN
ORDINANCE 13-2025 AMENDMENTS TO APIARY OR BEEKEEPING**

**AN ORDINANCE AMENDING THE BIG WATER TOWN ZONING CODE
15.30.060 AND 15.24.080 TO ESTABLISH REGULATIONS FOR APIARIES AND
BEEKEEPING IN BIG WATER, KANE COUNTY, UTAH**

WHEREAS, the Town Council of Big Water, Utah desires to promote responsible beekeeping practices that support pollinator health, local agriculture, and environmental sustainability;

WHEREAS, nothing herein shall be construed to abridge, impair, or otherwise restrict the lawful right of residents to possess and maintain honeybee colonies upon their property, as provided in Utah State Administrative Code R68-21;

WHEREAS, the Planning and Zoning Commission held a public hearing on the amendments to the apiary/beekeeping in accordance with the Utah State Code on September 8, 2025, and has duly considered such recommendations as was received;

WHEREAS, the Planning and Zoning Commission passed these updates on September 8, 2025;

NOW THEREFORE, be it ordained by the Council of the Big Water Town, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.06.030 Planning Commission” of the Big Water Zoning Code is hereby *amended* as follows:

A M E N D M E N T

15.06.030 Planning Commission

There is hereby created and established a Big Water Town Planning Commission ("Commission").

1. **Powers and Duties.** The Planning Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Big Water Town Subdivision Ordinance. The Commission shall have the following powers and duties:
 - a. To prepare, or cause to be prepared, the Big Water Town General Plan, any plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the Council.
 - b. To prepare or cause to be prepared the Big Water Town Zoning Ordinance, any amendments thereto, and to submit the Ordinance or amendments thereto

to the Council.

- c. To prepare or cause to be prepared the Big Water Town Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
 - d. To hear, review, approve, approve with conditions, or deny, applications for Conditional Use Permits.
 - e. ~~To hear, review, approve or deny application for Apiary/Beekkeeping, as authorized by this Ordinance.~~
 - f. ~~To~~ To hear, review, approve or deny, or recommend approval or denial of development applications, as authorized by this Ordinance and the Big Water Subdivision Ordinance.
 - g. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Big Water Town Council before taking effect.
 - h. To hear, review, and decide appeals of determinations of application completeness made by Zoning Administrator if the applicant considers the determination made by the Zoning Administrator to be in error.
 - i. Advise the legislative body on other matters as the legislative body directs.
2. **Qualifications for Membership.** Members of the Planning Commission shall be appointed by the Big Water Town Council.
3. **Membership: Appointment, Removal, Terms, and Vacancies.**
- a. The Planning Commission shall be composed of five (5) members, appointed by the Town Council.
 - b. The Council, after finding cause, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.
 - c. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended in person or electronically and reasonable and necessary expenses, as determined by the Council.
 - d. All members of the Commission shall serve a term of four (4) years. However, if no qualified applicant is available to fill a vacancy, a sitting member may remain on the Commission past his/her term until a replacement is appointed or seated. (Ordinance 2016-1)
 - e. At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of two (2) years.
 - f. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary

to preserve order and the integrity of all proceedings before the Commission.

4. **Recording Secretary.** The Council shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall be compensated as approved by the Council.
5. **Quorum and Necessary Vote.** No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the members, whether sitting as a whole or a quorum.
6. **Meetings, Hearings and Procedure.**
 - a. The Commission shall establish a regular meeting schedule.
 - b. Special meetings may be requested by the Council, the chair of the Commission, or a majority of the members of the Commission.
 - c. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

SECTION 2: AMENDMENT “15.24.080 Small-Scale Apiary/Beekeeping”
of the Big Water Zoning Code is hereby *amended* as follows:

AMENDMENT

15.24.080 Small-Scale Apiary/Beekeeping

All Apiary/Beekeeping operations, as defined herein, shall comply with the following.

1. Apiary/Beekeeping operations must adhere to and meet all restrictions and requirements as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code Annotated, 1953, as amended (U.C.A.), and all other authorities and provisions of Utah and Federal statutory and common law as applicable.
2. No person may raise bees in this state without being registered with the Utah Department of Agriculture and Food, as provided in § 4-11 (Utah Bee Inspection Act) et seq. Utah Code.
3. ~~A Big Water property owner may have and register one (1) hive/colony within the town limits of Big Water in permitted zones.~~ There is no restriction on the number of bees colonies may have on private property. The hive(s) can be located on one lot. The registered beekeeper must be the owner of the property on which the hive is located.
4. A Big Water property owner, wishing to establish an apiary, must first register with the Utah Department of Agriculture and Food then complete the required Big Water

Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~). The application form is available from and must be returned to Town Hall prior to within 30 days after receiving their permit from the State Department of Agriculture and Food establishing a hive/colony. There is no fee required by Big Water. The application form must be complete, and include a signed/dated copy of the state Apiary/Beekeeping registration/license and a copy of the current year county property tax statement(s). Incomplete applications will not be reviewed, and will be returned ~~by U.S. Postal Service~~ to the applicant.

5. The Apiary/Beekeeping Application (~~BW P&Z Form 2009-005~~) will come before the Planning and Zoning ~~Administrator~~ Commission for approval ~~at its next regularly scheduled monthly meeting~~.
6. On approval, Planning and Zoning will issue a one-year permit. Each year, thereafter, by May 31, and following the annual inspection by the county bee inspector, if one is performed (§ 4-11-7, et seq. Utah Code), the beekeeper is required to submit a signed/dated copy of the county inspection report, if applicable, and renewed state registration/license to Planning and Zoning for continuance of the Big Water permit. It is the beekeeper's responsibility to annually provide these items to the town. Failure to do so will result in discontinuance of the Big Water permit and removal of the hive (or hives) in accordance with state laws. Compliance will ensure another one-year extension of the Big Water Apiary/Beekeeping permit. The beekeeper will bear the annual inspection cost by the state, if applicable.
7. ~~The hive/hives shall be located out of sight from the road and toward the rear one-half (1/2) of the lot, with ten (10) feet or greater setback(s) from the rear and/or side lot property lines. The hive (or hives) must be elevated and the property surrounding the hive(s) screened so that the bees must fly over a six-foot barrier (may be vegetative) before leaving the property. There are no restrictions on the placement of hive(s) on private property, nor any requirements for sight-obscuring flyaway barriers for bee colonies on private property. The beekeeper must provide a source of water on the property, near the beehive. There may be no outdoor s~~Storage of any bee paraphernalia or hive materials (any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives) not being used as a part of a hive, must be in an enclosure that prohibits the entry of bees.
8. ~~A beehive may not be located within 50 yards of a school, public park, or public building. The Town of Big Water shall not designate any location on privately owned property as unsuitable for beekeeping.~~
9. The Utah Department of Agriculture and Food and all county bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of Utah Code enforcement. If admittance is refused, the department, or the county bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection. (§ 4-11-10, et seq. Utah Code)
10. Any property owner wishing to apply for a Big Water Apiary/Beekeeping permit must be in compliance with all Big Water Zoning Ordinances, and must meet any additional conditions set forth by the Big Water Planning and Zoning Commission.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Luke McConville	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member James Loyd	_____	_____	_____	_____

Presiding Officer

Attest

David W. Schmuker, Mayor, Big
Water Town

Katie Joseph, Clerk, Big Water Town