

ORDINANCE NO. SCC 2013-XX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AMENDING CHAPTER 6.08 OF THE SHASTA COUNTY CODE
REGARDING BEES**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

CHAPTER 6.08 of the Shasta County Code is amended in its entirety to read as follows:

**Chapter 6.08
BEES**

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6.08.010 Definitions

For the purpose of this chapter, the following words, names and terms, shall be construed, unless the context otherwise requires, as follows:

“Africanized Honey bee” means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.

“Apiary” shall have the meaning assigned to it by Food and Agricultural Code section 29002 as it may be amended from time to time.

“Appliance” shall have the meaning assigned to it by Food and Agricultural Code section 29003 as it may be amended from time to time.

“Bees” shall have the meaning assigned to it by Food and Agricultural Code section 29004 as it may be amended from time to time.

“Colony” shall have the meaning assigned to it by Food and Agricultural Code section 29006 as it may be amended from time to time.

“Commercial apiary” means an apiary that is not a hobbyist apiary, a landowner apiary, a nucleus apiary or a pollination apiary.

“Commissioner” shall have the meaning assigned to it by Food and Agricultural Code section 29008 as it may be amended from time to time or his or her designee.

“Hive” means any object or container made or prepared for the use of bees, or taken possession of by bees.

“Hobbyist Apiary” means an apiary placed by permission on an individual’s property and has nine or fewer colonies and is owned or operated by a hobbyist beekeeper.

“Hobbyist beekeeper” means a person who possesses nine or fewer colonies and is not in the business of beekeeping.

“Host” and “possible carriers” mean and includes bee colonies, packaged bees and queen bees of the species *Apis Mellifera*, comb, used hives, and any other appliance used in the association with bee colonies, packaged bees and queen bees of the species *Apis Mellifera*.

“Infected,” “infested,” “contaminated,” or “diseased” shall have the meaning assigned to it by Food and Agricultural Code section 29010 as it may be amended from time to time and also includes any other infectious disease, parasite, or hereditary disease declared by law or regulation by the Secretary of the California Department of Food and Agriculture or the Commissioner that affects bees and which may be detrimental to the welfare of the bee industry.

“Landowner Apiary” means an apiary that is operated by the owner of the land on which the apiary is located.

“Landowner” means the person who has the use and exclusive possession of the land upon which the apiary is to be registered but does not include a person leasing or renting land for the primary purpose of locating or establishing an apiary.

“Location” shall have the meaning assigned to it by Food and Agricultural Code section 29013 as it may be amended from time to time.

“Nucleus Apiary” means an apiary with nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner.

“Pest” shall have the meaning assigned to it by Food and Agricultural Code section 29009 as it may be amended from time to time and also includes any other infectious disease, parasite, or hereditary disease declared by law or regulation by the Secretary of the California Department of Food and Agriculture or the Commissioner that affects bees and which may be detrimental to the welfare of the bee industry.

“Pollination Apiary” means an apiary established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination. Pollination apiaries are temporary in nature and their longevity is determined by the specific crop to be pollinated.

6.08.020 Enforcement officer designated

The Commissioner is designated as the enforcing officer for this chapter.

6.08.030 Apiaries Registered

In addition to the requirements of this chapter, no person shall maintain an apiary unless it is registered, pursuant to Food and Agricultural Code section 29040.

6.08.040 Landowner permission required

No apiary shall be kept or located upon the property of another without the owner or the person in possession of the apiary first procuring from the Landowner permission to place the apiary thereon, and upon request, written evidence of such permission shall be furnished to the Commissioner.

6.08.050 Identification sign required

It is unlawful for any person to maintain an apiary without complying with Food and Agricultural Code section 29046 as it may be amended from time to time.

6.08.060 Distance from dwellings

A. No person shall place or keep any apiary or cause or allow any apiary to remain closer than three hundred feet to any residence or dwelling other than a residence or dwelling owned or possessed by that person or where the apiary is placed or kept with permission the landowner. Any apiary kept in violation of this subsection is expressly declared to be a public nuisance and such an apiary must be relocated in compliance with this section. The restrictions of this subsection are subject to the following exceptions:

1. If the use as a residence or dwelling commenced after an apiary commenced operation, the three-hundred-foot limitation shall apply only if the Commissioner declares the apiary or apiaries to constitute a public nuisance;

2. The three-hundred-foot limitation does not apply if adequate flight dispersing barriers are constructed and maintained which, to the satisfaction of the Commissioner, serve to prevent the apiary or apiaries from constituting a public nuisance.

B. No person shall place or keep any apiary, or cause or allow an apiary to remain closer than one hundred feet from any public highway, except for temporary purposes of transporting the same.

C. No person shall maintain an apiary in any manner that prevents or hinders access to the inside of any hive for inspection by the Commissioner.

D. Any person in possession or control of an apiary shall, within five days after receipt of a written request from the Commissioner, provide to the Commissioner a written list of the number and current location of all apiaries in the person's possession or control within the county.

6.08.070 Availability of water

No person shall place or keep any apiary, or cause or allow any apiary to remain in any location unless one of the following conditions exists:

A. There is a natural water supply in existence within a distance of one-half mile from the apiary, but no such natural water supply shall be at a greater distance from the apiary than any artificial water supply maintained by any party who has not consented in writing to the placement of the apiary.

B. An artificial water supply is maintained within one hundred fifty feet from any such apiary. If the artificial water supply is not owned or control by apiarist, the apiarist shall have written consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

6.08.080 Transporting bees

A. No person shall transport bees on the public highway or roads in such a manner that the bees constitute a public nuisance.

B. No person transporting bees shall maintain the vehicle used to transport such bees in a stationary position for a length of time to constitute a public nuisance.

6.08.090 Shipment – Arrival notification

Anyone bringing shipments of bees, hosts and possible carriers into the county shall immediately notify the Commissioner upon arrival and place the bees in a site approved by the Commissioner.

6.08.100 Infested shipments

Any shipment of bees or hives found to be “infected,” “infested,” “contaminated,” or “diseased” shall be abated in accordance with the provisions of Article 14 (commencing with section 29200) of Chapter 1 of division 13 of the Food and Agricultural Code as amended from time to time.

6.08.110 Keeping of Africanized Honey bees

No person shall willingly and knowingly keep an apiary of Africanized Honey bees.

6.08.120 Apiary Locations

A. Nucleus apiary. All nucleus apiaries sites must be one mile from any other apiary, except where:

1. The apiary less than one mile away is registered to the same person; or
2. Written permission is provided to the Commissioner from the owner of the encroached upon apiary; or
3. The site was listed as a location on the beekeeper’s 2013 Annual Apiary Registration, as required in Food and Agricultural Code section 29040, or listed as a site for pesticide notification in 2013 and the location has been registered as a nucleus or commercial apiary by the same beekeeper every subsequent year.

B. Commercial apiary. All commercial apiaries must be one mile from any nucleus apiary, except where:

1. The apiary less than one mile away is registered to the same person; or
2. Written permission is provided to the Commissioner from the owner of the encroached upon nucleus apiary; or
3. The site was listed as a location on the beekeeper’s 2013 Annual Apiary Registration, as required in Food and Agricultural Code Section 29040, or listed as a site for pesticide notification in 2013 and the location has been listed as such by the same beekeeper every subsequent year.

C. Pollination apiary. There are no distance restrictions from other apiaries.

D. Landowner apiary. There are no distance restrictions from other apiaries.

E. Hobbyist apiary. There are no distance restrictions from other apiaries.

6.08.130 Nucleus Apiary Site Registration

A. A person who owns or occupies a nucleus apiary site in the county shall register the site with the Commissioner before January 1 of each calendar year. The registration shall be on a form approved by the Commissioner. The applicant shall provide all information requested by the Commissioner, including, but not limited to:

1. Applicant's name, mailing address, and contact phone number;
2. The location of the nucleus apiary site, specifically the nearest quarter section, township, and range with description of nearest cross street or the GPS coordinates of the site;
3. The name of the current owner of the land where the nucleus apiary site is located;
4. When the application is for a new nucleus apiary site being registered for the first time and the applicant is not the Landowner, written consent from the landowner authorizing the placement of the nucleus apiary on the property may be required by the Commissioner;
5. Other information that the department may require for the protection, safety, and welfare of the public and the beekeeping industry.

B. Upon receipt of a completed application and payment of fees prescribed, the department may approve the nucleus apiary site registration and may issue certificates of registration for the site, setting forth the name of the owner and the specific locations of the nucleus apiary site authorized by the registration.

C. Nucleus apiary site registrations shall expire on December 31 of each year. Reregistration of sites will be given preference if applications are received before expiration of the current registration. Thereafter, applications will be considered on a first-come-first served basis, to be determined by date of receipt by the department of a completed application and payment of prescribed fees.

D. In issuing certificates for nucleus apiary sites, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the oldest continuously registered nucleus apiary site.

E. The department will maintain a map of the current nucleus apiary sites.

F. A registered nucleus apiary site may not be leased, assigned, or transferred, except as provided for in Section 6.08.140.

G. Nucleus apiary site registrations may not be issued for new sites that are within such close proximity to other classes of apiary locations that there is or may be danger of the spread of disease or pests or if the proximity will or may interfere with the operations of an established apiary, as determined by the Commissioner.

H. If the Commissioner denies an application, the applicant shall be notified in writing of the reasons for the denial. An applicant whose application has been denied may appeal to County's Chief Executive Officer or his/her designee by submitting, within ten days of the date of the Commissioner's determination of denial, a written appeal detailing all bases for the appeal. County's Chief Executive Officer or his/her designee shall render a determination on the appeal within 30 days of receipt of the appeal. The decision of the County's Chief Executive Officer or his/her designee regarding the appeal shall be final and conclusive.

6.08.140 Rights of Transfer

Any apiary site may be transferred to another party, even if it is located within one mile of a registered nucleus apiary site, if all bees and equipment on the apiary site, if any, are sold or transferred to the transferee. Transferee must present written documentation of the transfer to the Commissioner within 30 days of transfer. The transferee must register the transferred sites to his/her name and pay the appropriate registration fee for the current calendar year within 30 days of transfer.

6.08.150 Fees

The board of supervisors shall establish fees for any inspection, destruction of, or registration of hives and/or apiary sites required pursuant to this chapter. Failure to pay the required fee is a violation of the provisions of this chapter and apiaries in violation of this section shall be removed from the county within forty-eight hours.

6.08.160 Notice of violation

Any person maintaining an apiary in violation of any of the provisions of this chapter may be served with written notice of such violation by any enforcement officer of the county. The notice may be served upon the person in possession or owning such apiary or apiaries, personally or by mail, or if the address of such person is not known, by posting said notice in a conspicuous place on the apiary for five days. The person served with the notice may appeal to County's Chief Executive Officer or his/her designee by submitting, within ten days of the date of the Commissioner's notice of violation, a written appeal detailing all bases for the appeal. County's Chief Executive Officer or his/her designee shall render a determination on the appeal within 30 days of receipt of the appeal. The decision of the County's Chief Executive Officer or his/her designee regarding the appeal shall be final and conclusive.

6.08.170 Nonexclusive Remedy

This chapter is an alternative to and does not supersede any other provision of law that authorizes a nuisance to be abated or enjoined.

6.08.180 Penalties, nuisance and construction

A. Unless otherwise provided by law, a violation of any of the provisions of this chapter shall be punishable as provided in Chapter 1.08.

B. A violation of any provision of this chapter constitutes a public nuisance.

C. This chapter is a regulatory provision necessary for the protection of the public health, welfare, and safety. In any criminal prosecution for a violation of this chapter, it is not necessary to prove knowledge or criminal intent unless otherwise specifically required.

6.08.190 Effective date

All sections of this chapter shall become effective 30 days after adoption, except for Sections 6.08.120 through 6.08.150 inclusive, which shall become operative on January 1, 2014.

SECTION II.

The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____day of October, 2013 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

David A. Kehoe, Chairman
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy