



Agenda Report

Animal Services Committee

Item #: 2a

Meeting Date: 05/24/2023

TITLE: BEEKEEPING ORDINANCE AD HOC COMMITTEE
DEPARTMENT: PARKS AND COMMUNITY SERVICES
PRESENTED BY: JESSICA TORREJON, RECREATION COORDINATOR
CONTACT INFORMATION: JESSICA TORREJON, RECREATION COORDINATOR, (714) 754-5128

RECOMMENDATION:

It is the recommendation of staff that the Animal Services Committee review and discuss the findings as provided by the Beekeeping Ordinance Ad Hoc Committee.

BACKGROUND:

On January 26, 2022, the Animal Services Committee voted to approve the implementation of a Beekeeping Ordinance Working Group with the intent to propose the changing of Code 3-18 (Attachment 1) to allow the keeping of bees in the City of Costa Mesa. On March 20, 2023, the Beekeeping Ordinance Working Group submitted their gathered information to staff (Attachment 2).

ANALYSIS:

The Beekeeping Ordinance Ad Hoc Committee (formerly Working Group) contacted neighboring cities, finding that five Orange County cities currently allow beekeeping in varying capacities: Huntington Beach, Laguna Beach, Santa Ana, Tustin, and Santa Ana. Examples of beekeeping ordinances are provided for your review (Attachment 3).

FISCAL REVIEW:

None.

LEGAL REVIEW:

None.

CONCLUSION:

The Beekeeping Ordinance Ad Hoc Committee has presented their findings for the committee to review. It is the recommendation of staff that the Animal Services Committee review and discuss these findings. At this time staff from both the Parks and Community Services Department and Police Department have concerns over the request to update the Beekeeping Ordinance given the lack of space available in the City that would meet the criteria identified in the sample ordinances provided.

3-18. Keeping bees.

It is unlawful for any person to have, keep or maintain any hive or swarm of bees within the city. The provisions of this section shall not apply to the keeping of bees within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large. (Ord. No. 07-16, § 1, 8-7-07)

SUBJECT: DRAFT REPORT TO COSTA MESA ANIMAL CONTROL
RE: CHANGE IN COSTA MESA MUNICIPAL CODE 3-18 TO ALLOW THE KEEPING OF BEES
DATE: MARCH 20, 2013
PREPARED BY: ANIMAL SERVICES BEEKEEPING SUBCOMMITTEE

OVERVIEW:

The objective of this report is to provide Costa Mesa Animal Control with information gathered by the Animal Services Committee with the intent to propose the changing of Code 3-18 to allow the keeping of bees in Costa Mesa. Input from the Animal Control Department would be helpful in constructing a new ordinance.

Bees play a vital role in our environment and responsible, permitted beekeeping should be allowed in our city. Beekeeping is of particular importance now as there has been a worldwide decline in domesticated honeybee populations in recent years. This decline is referred to as Colony Collapse Disorder (CCD). Backyard beehives contribute to the bee population, help address the adverse effects of CCD, and contribute to making the city greener.

It is first important to distinguish the difference between honey bees and feral bees. Most feral bees in Southern California have been Africanized resulting in a more aggressive bee. Apiaries managed by beekeepers are founded on a commercial queen bred in Northern California where the climate has prevented the introduction of Africanized bees. The commercial queens are bred for their docile nature which translates to the hive.

While the keeping of bees is not currently allowed in Costa Mesa, the honey bees are already here. The Orange County Fairgrounds allows apiaries, as do the neighboring cities of Huntington Beach and Santa Ana. Bees fly 3-5 miles to forage, so the honey bee is already present in a good portion of our city.

RESEARCH:

The committee contacted all neighboring cities that allow beekeeping as well as some others throughout Orange and Riverside Counties. We found that each city contacted managed beekeeping differently, with their respective municipal codes addressing the issue with a wide range of detail.

SPECIFICS:

Tustin does not have a specific beekeeping ordinance. Beekeeping is addressed under section 4221-General Prohibitions: It will be unlawful to keep more than one beehive or colony. No beehive shall be closer than one hundred feet from any residential structure, street, or highway.

Huntington Beach is similar to Tustin, No person shall keep or maintain any hive bees within 200 feet of any dwelling house of the owner or person in control of such bees.

Westminster requires a permit from Animal Control. The permit will not be issued unless the keeping of bees will not be detrimental to the health, safety, and welfare of the neighborhood; and the bees will be housed not less than 200 feet from any dwelling unit other than the bee owner.

Laguna Beach requires a permit from Animal Control. Apiaries are limited to 9 or fewer colonies. Prior to issuing a permit the animal services manager is to inspect the proposed location and insure it will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety.

Santa Ana allows beekeeping on single-family residential property subject to a set of detailed conditions: The number of hives allowed is based on the lot size, with a maximum of 5 hives. All colonies must be kept in hives consisting of movable frames and located in the back yard of the property. Hives must be a minimum of 20 feet from streets or public rights-of-way, and 5 feet from lot lines. Hives must face away from the nearest lot line and must be screened so that bees must fly over a six-foot barrier to leave the property. A water source must be provided for the bees at all times. The colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties. The code also specifies when a hive will be considered a public nuisance and allows for issuing violations which may be sited as a misdemeanor or infraction.

ADDITIONAL INFORMATION AND RESOURCES:

Orange County Beekeeping Association. Liz Savage, President (ocbeekeepers.org)

Headquartered at the O.C. Fairgrounds, The Orange County Beekeepers Association has a wealth of local knowledge regarding beekeeping. President Savage reports the association recently helped beekeeping ordinances get passed in the cities of Irvine, Fullerton, and Norco.

Officer John Thompson, Laguna Beach Animal Control (949 464-6601)

Officer Thompson provided information and practical experience regarding beekeeping in Laguna Beach. He reports there are currently 8-10 permitted apiaries in the city. He is aware of only one complaint about bees, and that was in regards to an unpermitted hive.

City of Fullerton Best Management Practices: Residential Beekeeping (cityoffullerton.com)

Developed by Cal Poly Pomona and the City of Fullerton. This is a great resource on the practices and standards for residential beekeeping. It is provided to all permitted beekeepers.

**BEEKEEPING ORDINANCES
CITIES IN ORANGE COUNTY**

City of Huntington Beach:

7.12.010 Bees

No person shall *keep* or maintain, or suffer or permit to be kept or maintained, upon premises owned or controlled by him or her in the City, any hive *bees* within 200 feet *of* any dwelling house *of* the owner or person in control *of* such *bees*. This section shall not apply to the *keeping of bees* within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large. (885-2/62, 1279-2/67, 1905-4/74, 2067-5/76, 2095-9/76)

City of Tustin:

4221 – General Prohibitions

(4) More than one (1) beehive or colony. No occupied beehive shall be closer than one hundred (100) feet from any adjacent residential structure or street or highway.

City of Westminster:

6.12.080 Permit—Approval—Guidelines.

After investigation, animal control shall consider the following guidelines in approving any application:

C. Bees and Beehives. Animal control shall not issue a permit unless it finds that the keeping of bees:

1. Will not be detrimental to the health, safety and welfare of the neighborhood; and
2. Will be housed not less than two hundred feet from any dwelling unit other than that of the bee owner.

Laguna Beach:

6.22.050 Keeping of bees.

(a) It shall be unlawful for any person to have, keep, or maintain any hive or swarm of bees within the city without a permit. The provisions of this section shall not apply to the keeping of bees within an educational institution for study, or observation within a physician's office or

laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large.

(b) No person shall have, keep, or maintain any apiary of ten or more colonies, hives or swarms of bees without first obtaining a conditional use permit from the planning commission.

(c) Prior to a permit being issued, in addition to all information required in the application, the applicant shall substantiate, to the satisfaction of the animal services manager, the following facts:

(1) The apiary, hive, colony or swarm of bees, at the location proposed, will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and

(2) All bee hives, colonies, apiaries and swarms of bees are registered with the Orange County Department of Agriculture. (Ord. 1228 § 1, 1992; Ord. 918 § 1, 1978).

City of Santa Ana:

Sec. 5-7. – Backyard beekeeping.

The purpose of this section is to authorize backyard beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas. The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and any other noxious insects is prohibited.

Beekeeping is allowed in the general agricultural (A-1) zoning district subject to the conditions set forth in section 41-201.5(k) and on properties developed with a single-family residence subject to the conditions set forth herein.

(a) General requirements.

(1) No more than two (2) hives may be maintained on a single-family residential property with six thousand (6,000) square feet or less. On lots larger than six thousand (6,000) square feet, the number of hives is limited to one (1) hive for every three thousand (3,000) square feet of lot area, with a maximum of five (5) hives, whichever is less.

(2) All bee colonies shall be kept in hives consisting of moveable frames which shall be kept and maintained in sound and usable condition.

(b) Hive placement requirements.

(1) Hives shall be located within the rear yard of a single-family residential lot. A rear yard is a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest main wall of the building.

(2) Hives shall be located a minimum of twenty (20) feet from public rights-of-way or private streets.

(3) Hives shall be located a minimum of five (5) feet from interior lots lines; provided, however, that this requirement may be waived in writing subject to the approval of the adjoining property owner(s).

(4) Hives must either be screened so that bees must fly over a six (6) foot barrier, which may be vegetative, before leaving the property, or be placed eight (8) feet above the adjacent ground floor.

(5) Hives must face away from nearest lot lines.

(c) *Hive management requirements.*

(1) Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

(2) A water source for the bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

(3) Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

(d) *Nuisance.* Bees or hives shall be considered a public nuisance when any of the following occurs:

(1) Colonies of bees that exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties;

(2) Colonies of bees swarm;

(3) Hives that are abandoned by resident bees or by the owner;

(4) Bees or hives are not kept and/or maintained in conformance with this Section.

(e) *Penalties for violations.* Violation of this section shall be subject to all remedies and enforcement measures authorized by this Code. At the discretion of the issuing enforcement officer, violations may be cited as a misdemeanor or infraction. As an alternative enforcement method, violations of this section may be addressed through the use of an administrative citation as set forth in sections 1-21.1 through 1-21.9.

(Ord. No. NS-1466, § 7, 2-5-79; Ord. No. NS-2932, § 4, 11-21-17.)

Editor's note— Ord. No. NS-2932, § 4, adopted April 21, 2017, amended § 5-7, to read as set out herein. Previously § 5-7 was titled "Bees prohibited."