

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike-Out~~

NEW LANGUAGE: Underlined

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0404; REPEALING SECTION 440405; AMENDING SECTION 44.0406; REPEALING SECTION 44.0407; AMENDING SECTION 44.0408; REPEALING SECTION 44.0409; AMENDING SECTIONS 44.0413 AND 44.0414; AND REPEALING SECTIONS 44.0418 AND 44.0420, ALL RELATING TO THE KEEPING OF BEES

§44.0404 ~~Commissioner May Enter Premises~~ Registration Required

~~The Commissioner is hereby empowered to enter upon any premises where bees are kept, or upon which he has reason to believe that bees are kept, in order to carry into effect the provisions of this division. Within 30 days of establishing an apiary, the owner of the apiary shall register the apiary with the San Diego County Agricultural Commissioner and shall reregister in January of every year thereafter while in possession of the apiary.~~

§44.0405 ~~Interferences with Commissioner~~

~~It shall be unlawful for any person to interfere with the official actions of the Commissioner.~~

§44.0406 ~~Notice of Violation~~ Permitted Bee Species

~~Any person who violates any provision of this division may be served with a written notice to cease or remedy such violation by the Commissioner or by any law enforcement officer of the County. Said notice shall require that such person cease or remedy the violation within 48 hours. Any person who fails to cease or remedy the violation within said 48-hour period or who causes a similar violation to occur within one (1) year is guilty of a misdemeanor. The notice required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice in a conspicuous place on or near the apiary where the violation occurred. The 48-hour period for which such notice provides shall commence to run from the time on the day such notice is served pursuant to this section. Only docile *Apis mellifera* species (honey bees) shall be permitted by this Division.~~

§44.0407 — Abatement of Nuisance

~~If the Commissioner determines that the violation of any provision of this division constitutes a public nuisance to the extent that the health, safety or welfare of the public is immediately endangered through such violation, the Commissioner may forthwith take such steps to abate such nuisance as are reasonably necessary and proper under the circumstances, provided, however, that the Commissioner shall not cause the destruction of any bees or any apiary unless in his opinion the nuisance cannot otherwise be effectively and timely abated.~~

§44.0408 — Beekeeping — ~~Distance from Buildings~~ Locational Requirements

~~It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain, closer than 25 feet to the property line of adjoining residential property if a house or other building used for residential purposes is located on such property, or closer than 100 feet to any house or other building used for residential purposes other than a house or building used or possessed by such person, or to place or keep more than one beehive in a location which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person. Any person who at the time this division becomes effective maintains any apiary which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person and which is registered with the Commissioner shall be permitted to keep two (2) beehives at such location.~~

- (a) An apiary consisting of three or more beehives shall be located no closer than 600 feet from a building used as a residence, other than the residence located on the same premises as the beehives, and a minimum of 100 feet from the public right-of-way.
- (b) An apiary consisting of two or fewer beehives may be maintained in accordance with the following:
 - (1) The apiary shall be located outside of all required setbacks as established by Chapter 13, Article 1 of this Code, or fifteen feet from the property line and 20 feet from all public rights-of-way, whichever is greater;

- (2) A minimum 6-foot tall barrier shall surround the beehive leaving sufficient space to properly maintain the beehive except that the barrier shall not be required when the beehive is elevated at least eight feet above grade;
- (3) The beehive is not visible from the public right-of-way;
- (4) The beehive is in a location that is secured from unauthorized access;
- (5) The opening of the beehive faces the most distant property line;
- (6) The opening of the beehive faces away from entrances and walkways on the premises to the extent possible while ensuring that the entrance faces the most distant property line;
- (7) The beehive structure is a pale color; and
- (8) The beehive is requeened at least once every two years.

~~§44.0409~~ — ~~Beekeeping~~ — ~~Distance from Roads~~

~~It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain within 100 feet of the exterior line of the traveled portion of a public road.~~

§44.0413 Beekeeping — ~~Firebreak~~Fire Safety

~~Every person owning, possessing or controlling an apiary shall maintain a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:~~

- (a) ~~Within the 20 foot wide area closest to the apiary, a 10 foot wide area shall be cleared to mineral soil of all combustible material, and all flammable or~~

~~combustible vegetation or material shall be cut or trimmed to a height of not greater than six (6) inches above the ground throughout the area of the apiary lying within the inside perimeter of said 10 foot wide area; and~~ An apiary containing three or more beehives shall also include a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:

(1) Within the 10 foot wide area closest to the apiary, all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than six inches above the ground; and

(2) Within the area 30 feet from the apiary and lying outside of the outside perimeter of the 10 foot wide area in subparagraph (1), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground.

(3) Subsections (1) and (2) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by section 44.0417 to enforce section 44.0413.

(4) Subsection (a) shall not apply if the apiary is maintained in a residential zone area unless the Fire Department determines that a firebreak is necessary to protect the public safety.

(b) ~~Within the area 30 feet distant from the apiary and lying outside of the outside perimeter of the 10 foot wide area mentioned to subparagraph (a), all flammable or combustible vegetation or material shall be trimmed to a~~

~~height not greater than 12 inches above the ground. Subparagraphs (a) and (b) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by Section 44.0417 to enforce this section. This section shall not apply if the apiary is maintained in a residentially zoned area unless the Fire Department determines that a firebreak is necessary to protect the public safety. Every person owning, possessing or controlling an apiary comprising two or fewer beehives shall be required to locate the beehives within Brush management Zone One in accordance with San Diego Municipal Code section 142.0412 (Brush Management).~~

§44.0414 Beekeeping — Fire Fighting Materials

The following fire fighting materials shall be maintained, in good working condition, at all times when the apiary is attended by the keeper thereof, sufficiently near the apiary so as immediately to be available in case of fire:

- (a) ~~a~~ shovel; and
- (b) ~~a~~ fire extinguisher, of either the 2 1/2 gallon water-under-pressure type or the 5 gallon back-pump type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority therefor is first obtained from an officer or agency authorized by Section 44.0417 to enforce this section. A garden hose may be substituted for a fire extinguisher, provided the hose is connected to a source of water.

~~§44.0418 — Beekeeping — Permit Required~~

~~It shall be unlawful for any person to place or keep an apiary upon any property within the City of San Diego without a license issued by the City Treasurer. The fee shall be Three Dollars (\$3) which shall defray, in part, the cost of inspection and enforcement of this division. Such license shall be valid for three (3) years from the date of issuance.~~

~~§44.0420 — Violation~~

~~Any person who violated any provision of this division other than Section 44.0412, and who has been served with written notice of such violation in the manner prescribed herein, and who fails or refuses to comply with such written notice, shall be guilty of a misdemeanor. Every person who violates any provision of Section 44.0412 shall be guilty of a misdemeanor immediately upon such violation.~~

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01/17/2012
Or.Dept:DSD
Document No. 306036