

# Before the Board of Supervisors County of Placer, State of California

**In the matter of:**

An Ordinance to amend Placer County Code, Chapter 6, by adding Article 6.32, entitled "Beekeeping," and to amend Chapter 17, Article 17.56, Section 17.56.050.

Ordinance No.: 6190-B

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on March 14, 2023, by the following vote:

Ayes: GORE, LANDON, JONES, GUSTAFSON, HOLMES

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.

  
\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

  
\_\_\_\_\_  
Clerk of said Board

---

WHEREAS, the Board recognizes the vital importance of beekeeping to California's agricultural production, which is ranked first in the nation; and

WHEREAS, the Board recognizes that many residents in more developed parts of the county wish to enjoy healthy outdoor activities such as gardening and related activities including beekeeping; and

WHEREAS, many beekeepers find Placer County to be an ideal summer holding and honey production area for their bees; and

WHEREAS, the Board recognizes that maintaining healthy local bee populations supports the sustainability of the local environment and ecosystems; and

WHEREAS, the placement of too many bees in one area may result in hazardous nuisance conditions for neighboring properties and oversubscription of bee food sources, which may reduce honey production and increase the prevalence of bee pests and diseases; and

WHEREAS, the Board desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and desires to protect the beekeeping industry and the public from bee-related nuisances by ensuring adequate space between colonies of bees.

## **THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:**

**Section 1:** Placer County Code, Chapter 6, is amended to add Article 6.32 as follows:

### **Article 6.32 BEEKEEPING**

#### **6.32.010 Application.**

When allowed in the applicable zone, beekeeping operations are subject to the requirements of this article. This article supplements and should be reviewed in conjunction with the California Apiary Protection Act (Sections 29000-29321 of the Food and Agriculture Code) and Placer County Code Section 17.56.050, which contain additional information and requirements applicable to beekeeping operations. Commercial beekeeping is permitted by this article.

#### **6.32.020 Definitions.**

“Apiary” includes bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.

“Bees” means honey-producing insects of the genus *Apis*. It includes all life stages of these insects.

“Beekeeper” is any person who owns, operates, or possesses an apiary.

“Colony” means one hive and its contents, including bees, and comb.

“Commercial Apiary” is operated by a Beekeeper in the business of beekeeping or who possesses ten (10) or more Colonies.

“Commissioner” means the Placer County Agricultural Commissioner.

“Hive” means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

“Hobbyist beekeeper” is any beekeeper, apiary owner, apiary operator, or person, who is not in the business of beekeeping and who possesses nine or fewer Colonies.

“Pollinator 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.

“Nucleus colony” means a hive which has been divided into two or more smaller hives for the purpose of loss replacement or swarm prevention. A nucleus colony is considered to be a colony as defined above thirty (30) days after it is created.

#### **6.32.030 Beekeeping requirements.**

A. Annual Apiary Registration and Fees. All beekeepers must register with the commissioner as required under

the Apiary Protection Act. All beekeepers except hobbyist beekeepers must pay registration fees as required under the Apiary Protection Act.

B. Property Owner Permission Required. Beekeepers operating apiaries on property they do not own must provide the property owner's written permission to operate an apiary to the commissioner upon request.

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

1. There is a natural water supply, such as a lake, pond, or river, within one-half mile of the apiary; or
2. An artificial water supply, such as a sprinkler, trough, spigot or other piped or pumped water sources, for the apiary is maintained within one hundred fifty (150) feet from any such apiary. If the artificial water supply is not owned or controlled by the beekeeper, the beekeeper shall have written permission to use the artificial water supply and such written permission shall be provided to the commissioner upon request.
3. Failure to provide water as required under this section constitutes a public nuisance.

D. Commercial and Pollinator Apiary Separation. Commercial and pollinator apiaries must comply with the following setback requirements:

1. A fifty (50) foot setback is required from all property line boundaries. This requirement does not apply to adjacent parcels owned or under the control of the beekeeper or person who owns or controls the land where the bees are located.
2. A fifty (50) foot setback from edge of easement is required from all public roadways.
3. Commercial apiaries must be separated from all other commercial apiaries by at least one mile, unless:
  - a. The commercial apiary location was registered with the commissioner prior to January 1, 2022.
  - b. The commercial apiary is being utilized as a pollinator apiary which may stay on a site for commercial crop pollination provided it is temporary in nature and is not present more than fifteen (15) days before or after the blooming period of the crop intended to be pollinated.

Each commercial apiary location must be occupied by bees and registered with the commissioner on an annual basis to maintain its location status and separation protections.

4. Failure to comply with commercial and pollinator apiary setback and separation requirements constitutes a public nuisance.

E. Non-Commercial Apiary. Non-commercial apiaries must be set back twenty-five (25) feet from neighboring property boundaries unless:

1. A flyway barrier is erected. Flyway barriers must be at least six feet tall, must be placed between the hives and the adjoining property, and must extend 6 feet to the left and right of the hives. Flyway barriers may be a solid fence, wall, dense vegetation, or combination thereof; or
2. Hives are placed on a rooftop or surface more than twelve (12) feet above the ground.

Failure to comply with non-commercial apiary separation requirements constitutes a public nuisance.

F. Hive Quantity Limitations. Pursuant to Placer County Code Section 17.56.050, no more than two colonies may be kept in the Residential Single Family RS zone district. All other zone districts (RA, RF, RES, AE, F, FOR, O, TPZ, -AG) may keep no more than five colonies per acre, not to exceed a total of one hundred (100) hives in one location. Notwithstanding these limitations:

1. More than one hundred (100) colonies may be placed in one location for a period not to exceed three consecutive days for the purpose of consolidating smaller apiaries as part of bee transportation activities.

2. More than one hundred (100) colonies may be placed in one location if they are pollinator apiaries which are temporary in nature, longevity, and used only as necessary to pollinate a specific crop.
3. More than one hundred (100) colonies may be placed in one location between October 1 and January 31 provided that all other provisions of the Placer County Code are met, including but not limited to hive per-acre limits, setbacks, water supply, and property owner permission.
4. For purposes of calculating the number of colonies, three nucleus colonies will be counted as a single colony.

G. Transporting Bees

1. No person shall transport bees on the public highway or roads in such a manner that the bees constitute a public nuisance.
2. No person transporting bees shall maintain the vehicle used to transport bees in position (i.e. park in the same area) for a length of time so as to constitute a public nuisance.

H. Abandonment of Apiaries

1. Any apiary determined by the commissioner to be abandoned shall constitute a public nuisance.

**6.32.040 Enforcement, penalties, and nuisance.**

A. The commissioner is the enforcing officer of this article and the California Apiary Protection Act (Sections 29000-29321 of the Food and Agriculture Code) within the county.

B. Unless otherwise provided by law, a violation of any of the provisions of this article is punishable as provided in Placer County Code Section 1.24.010.

C. Any condition declared a public nuisance under this article is subject to the nuisance abatement procedures in Placer County Code Section 17.62.160.

D. Any person who violates a specific requirement of the California Apiary Protection Act (Sections 29000-29321 of the Food and Agriculture Code) is subject to the exclusive penalties and enforcement prescribed therein.

\* \* \*

**Section 2:** Placer County Code, Chapter 17, Article 17.56, Section 17.56.050 is amended as follows:

**17.56.050 Animal raising and keeping.**

\*\*\*\*\*

D. Limitation On Use. The raising and keeping of specific types of animals shall occur only in the zone districts where “Animal Raising and Keeping” is identified as an allowable use by Sections 17.06.050 and 17.06.060 et seq., and only as also allowed by the following table:

Note. This chart indicates which animal types are permitted to be kept in each zone district. Specific regulations for each animal type are contained in subsection F.

Zone Districts and Allowed Animal Raising Activities															
Animal Raising Activity	RS	RM	RF	RA	C1, C2	C3	MT	RES	BP, IN, INP	AE	F	FOR	O	TPZ	-AG
*****															

Zone Districts and Allowed Animal Raising Activities															
Animal Raising Activity	RS	RM	RF	RA	C1, C2	C3	MT	RES	BP, IN, INP	AE	F	FOR	O	TPZ	-AG
Bee raising (apiaries) (F)(2)	<u>R</u>		R	R				<u>R</u>		R	R	R	R	R	R
*****															

\*\*\*\*\*

F. Specific Types of Animals Permitted. The following requirements apply to the keeping or raising of specific types of animals, in addition to all other applicable standards of this section. More than one type of animal may be kept on a single site, as provided by subsection G, except that where an animal density ratio (i.e., number of animals per acre) is indicated for any specific type of animal, the site area allotted to one type of animal cannot be used to justify another type of animal which is also subject to an animal density ratio.

\*\*\*\*\*

2. ~~Bekeeping Raising. Requirements and standards for bee raising activities shall be as required by the agricultural commissioner.~~ **All beekeeping activities are subject to the California Apiary Protection Act and Article 6.32 (Beekeeping) of Chapter 6 (Animals). In addition, in the Residential Single Family (RS) zone district, including RS-AG, beekeeping requires an approval process by the agricultural commissioner for parcels which are less than twenty thousand (20,000) square feet in area.**

- a. **In the Residential Single-Family (RS) zone district, the keeping of no more than two colonies is permitted.**
- b. **In the Residential Single Family zone district, the property owner shall notify all adjacent property owners of the property proposing to keep bees. They shall provide evidence of notification to the agricultural commissioner prior to keeping bees.**
- c. **The agricultural commissioner shall have the discretion to deny beekeeping activity for parcels which are less than twenty thousand (20,000) square feet in area when beekeeping activity is determined to be a public nuisance.**
- d. **The agricultural commissioner shall have the discretion to rescind approval of beekeeping activity upon thirty (30) days written notice to the beekeeper if the beekeeping activity is a public nuisance.**
- e. **In all zone district (RA, RF, RES, AE, F, FOR, O, TPZ, -AG), the maximum number of bee colonies is five per acre, not to exceed a total of one hundred (100) hives in one location. More than one hundred (100) hives may be permitted on contiguous properties larger than twenty (20) acres if the separation requirements in Article 6.32 are met.**

\* \* \*

**Section 3:** This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.