

To: Mayor & City Council
Fr: Ron Chandler
Dt: July 3, 2014
Re: Bee Keeping Ordinance

Attached, please find a bee keeping ordinance and the "Utah Bee Inspection Act." Please note that individuals keeping bees must comply with North Ogden's ordinance and Utah's bee inspection act. The following is a summary of the attached ordinance. The Planning Commission recommends approval of the attached ordinance

1. Beekeeping is permitted in all residential zones.
2. A maximum of five (5) hives is permitted on lots less than one-half (1/2) acre.
3. 10 hives are permitted on lots larger than one-half (1/2) acre.
4. Beekeepers must register with the State of Utah.
5. Hives must be located at least three feet (3') from any property line.
6. Hives between three feet (3') and fifteen feet (15') must install a fly wall.
7. The beekeeper must provide water.

Ordinance No _____

**AN ORDINANCE AMENDING SECTIONS 11-2-1 AND 11-10-7 OF THE
NORTH OGDEN CITY CODE, TO AUTHORIZE BEEKEEPING SUBJECT
TO CERTAIN REGULATIONS.**

WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products; and,

WHEREAS, the North Ogden City Council desires to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas; and,

NOW, THEREFORE, be it ordained by the North Ogden City Council, North Ogden, Utah that the following definitions shall be added to Section 11-2-1 of the North Ogden City Code:

APIARY: Any place where one (1) or more colonies of bees are located.

APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax or hives.

BEE: The common honey bee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING: To hold a colony of bees in a hive for the purpose of pollination, honey production, study or similar purpose.

COLONY: Bees in any hive including queens, workers, or drones.

FLYWAY BARRIER: A solid fence or hedge used in beekeeping, at least six feet (6') in height extending ten feet (10') from the hive in each direction. It is used to force bees to fly at least six feet (6') above ground over neighboring property lines.

HIVE: A structure designed to contain one colony of honeybees. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

BE IT FURTHER ORDAINED by the North Ogden City Council that the following shall be added to Section 1-10-7 of the North Ogden City Code

F. Beekeeping in Residential Zones:

An apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a rear yard (or side yard) of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

1. Additional requirements:

- a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
- b. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
- c. Hives shall be placed at least three feet (3') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive.
- d. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
- e. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
- f. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hives located between three feet (3') and fifteen feet (15') from any property line that does not have a six foot (6') solid fence, a flyway barrier shall be established and maintained around the hive except as needed to allow access.
- g. On all lots, if the apiary is located in an area that borders a public walk, street or public area , the area shall be separated from the public walk or street by a six foot (6') solid fence or wall that extends at least ten feet (10') from the hive in each direction.
- h. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
- i. Each beekeeper shall comply with all State laws and regulations pertaining to beekeeping.
- j. In the event of a conflict between any regulation set forth in this chapter and bee management regulations adopted by the State of Utah and/or Weber County Health Department, the most restrictive regulations shall apply.

This ordinance shall take effect upon adoption.

PASSED and ADOPTED this day of 2014.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor
CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	___	___
Council Member Satterthwaite:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
Council Member Urry:	___	___
(In event of a tie vote of the Council):		
Mayor Taylor	___	___

Attest:

S. Annette Spendlove, MMC
City Reorder

4-11-1. Short title.

This chapter shall be known and may be cited as the "Utah Bee Inspection Act."

Enacted by Chapter 2, 1979 General Session

4-11-2. Definitions.

As used in this chapter:

- (1) "Abandoned apiary" means any apiary:
 - (a) to which the owner or operator fails to give reasonable and adequate attention during a given year, with the result that the welfare of a neighboring colony is jeopardized; or
 - (b) that is not properly identified in accordance with this chapter.
- (2) "Apiary" means any place where one or more colonies of bees are located.
- (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax, or hives.
- (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives.
- (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.
- (6) (a) "Beekeeper" means a person who keeps bees in order to:
 - (i) collect honey and beeswax;
 - (ii) pollinate crops; or
 - (iii) produce bees for sale to other beekeepers.(b) "Beekeeper" includes an apiarists.
- (7) "Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.
- (8) "Disease" means any disease or abnormal condition of the egg, larval, pupal, or adult stage of bee development.
- (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.
- (10) "Package" means any number of bees in a bee-tight container, with or without a queen, and without comb.
- (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
- (12) "Pest" means an organism that:
 - (a) inflicts damage to a bee or bee colony directly or indirectly; or
 - (b) may damage apiary equipment in a manner that is likely to have an adverse affect on the health of the colony or an adjacent colony.
- (13) "Raise" means:
 - (a) to hold a colony of bees in a hive for the purpose of pollination, honey production, study, or similar purpose; and
 - (b) when the person holding a colony, holds the colony or a package of bees in the state for a period of time exceeding 30 days.
- (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant colony or subsequent colony on the same equipment.

Amended by Chapter 73, 2010 General Session

4-11-3. Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as it considers necessary for the administration and enforcement of this chapter. Such rules shall include provisions for the identification of each apiary within the state.

Amended by Chapter 382, 2008 General Session

4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal -- Wax-salvage plants -- License required -- Application -- Fees -- Renewal.

(1) (a) A person may not raise bees in this state without being registered with the department.

(b) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, within 30 days after the person:

(i) takes possession of the bees; or

(ii) moves the bees into the state.

(c) Nothing in Subsection (1)(b) limits the requirements of Section 4-11-11.

(d) An application in accordance with this chapter shall specify:

(i) the name and address of the applicant;

(ii) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and

(iii) any other relevant information the department considers appropriate.

(e) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-2(2), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.

(f) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection 4-2-2(2).

(g) Registration shall be renewed on or before December 31 of each year.

(2) (a) A person may not operate a wax-salvage plant without a license issued by the department.

(b) Application for a license to operate a wax-salvage plant shall be made to the department upon tangible or electronic forms prescribed and furnished by the department.

(c) The application shall specify such information as the department considers appropriate.

(d) Upon receipt of a proper application and payment of a license fee as determined by the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue a license entitling the applicant to operate a wax-salvage plant through December 31 of the year in which the license is issued, subject to suspension

or revocation for cause.

(e) A wax-salvage license is renewable for a period of one year, on or before December 31 of each year, upon the payment of an annual license renewal fee as determined by the department pursuant to Subsection 4-2-2(2).

Amended by Chapter 73, 2010 General Session

4-11-5. County bee inspector -- Appointment -- Termination -- Compensation.

(1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county.

(2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner, and is subject to termination of employment, with or without cause, at the instance of either.

(3) Compensation for the county bee inspector shall be fixed by the county legislative body.

(4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.

(5) A record concerning bee inspection shall be kept by the county executive or commissioner.

(6) The county executive and the commissioner shall investigate a formal, written complaint against a county bee inspector.

(7) The department may authorize an inspection if:

(a) a county bee inspector is not appointed; and

(b) a conflict of interest arises with a county bee inspector.

Amended by Chapter 73, 2010 General Session

4-11-6. Hives to have removable frames -- Consent of county bee inspector to sell or transport diseased bees.

(1) A person may not house or keep bees in a hive unless it is equipped with movable frames to all its parts so that access to the hive can be had without difficulty.

(2) No person who owns or has possession of bees (whether queens or workers) with knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

Amended by Chapter 73, 2010 General Session

4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by department -- Election to transport bees to wax-salvage plant.

(1) The county bee inspector or the department shall inspect all apiaries within the county at least once each year and, also, inspect immediately any apiary within the county that is alleged in a written complaint to be severely diseased, parasitized, or

abandoned.

(2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector shall take the following action based on the severity of the disease or parasite present:

(a) prescribe the course of treatment that the owner or caretaker of the bees shall follow to eliminate the disease or parasite;

(b) personally, for the purpose of treatment approved by the department, take control of the afflicted bees, hives, combs, broods, honey, and equipment; or

(c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and all appliances that may have become infected.

(3) If, upon reinspection, the inspector determines that the responsible party has not executed the course of treatment prescribed by Subsection (2), the inspector may take immediate possession of the afflicted colony for control or destruction in accordance with Subsection (2)(b) or (c).

(4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action proposed by an inspector under this section may, at the owner's expense, have the department examine the alleged diseased bees.

(b) The decision of the commissioner with respect to the condition of bees at the time of the examination is final and conclusive upon the owner and the inspector involved.

(5) The owner of a diseased apiary, notwithstanding the provisions of Subsections (2), (3), and (4), may elect under the direction of the county bee inspector to kill the diseased bees, seal their hives, and transport them to a licensed wax-salvage plant.

Amended by Chapter 73, 2010 General Session

4-11-8. County bee inspector -- Disinfection required before leaving apiary with diseased bees.

(1) Before leaving the premises of any apiary where disease exists, the county bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person, clothing, or any appliance that has come in contact with infected material.

(2) The method of disinfection required by Subsection (1):

(a) may be determined by the department; and

(b) shall be sufficient to destroy disease, parasites, and pathogens encountered.

(3) A county bee inspector shall maintain a record of each inspection, including disinfection practices.

(4) The county executive or the commissioner may review a county bee inspector's records kept in accordance with Subsection (3).

Amended by Chapter 73, 2010 General Session

4-11-9. Inspection of apiaries where queen bees raised for sale -- Honey from apiaries where queen bees raised for sale not to be used for candy for mailing cages unless boiled.

(1) (a) At least twice each summer the county bee inspector shall inspect each

apiary in which queen bees are raised for sale.

(b) A person may not sell or transport any queen bee from an apiary that is found to be infected with disease, without the consent of the county bee inspector or the department.

(2) No person engaged in raising queen bees for sale shall use any honey for making candy for mailing cages that has not been boiled for at least 30 minutes.

(3) A person rearing queens shall follow standard methods for minimizing or eliminating unmanageably aggressive stock.

Amended by Chapter 73, 2010 General Session

4-11-10. Enforcement -- Inspections authorized -- Warrants.

(1) The department and all county bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.

(2) 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.

Amended by Chapter 73, 2010 General Session

4-11-11. Importation of bees or appliances into state -- Certification required -- Inspection discretionary -- Authority to require destruction or removal of diseased bees and appliances.

(1) (a) A person may not bring or import any bees in packages or hives or bring or import any used beekeeping equipment or appliances into this state, except after obtaining a certificate from an inspector authorized in the state of origin certifying that the bees, apiary equipment, or appliances have been inspected within the current production season, and that all diseased colonies in the apiary at the time of the inspection were destroyed or removed to a licensed wax-salvage plant before the issuance of the certificate.

(b) A person bringing or importing bees into the state shall advise the department of the address of the bees destination and furnish the department with a copy of the certificate of inspection either:

- (i) within at least five working days before the bees enter the state; or
- (ii) upon entry into the state.

(c) A person intending to hold bees in the state for a period of time exceeding 30 days shall comply with Section 4-11-4.

(2) (a) A person may not bring or import any used apiary equipment, except after obtaining a certificate from an inspector authorized in the state of origin certifying that all potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized immediately before importation.

(b) A person bringing or importing used apiary equipment shall advise the department of the address of the destination in the state and furnish the department with a copy of the certificate of inspection either:

- (i) within at least five working days before the bees enter the state; or
 - (ii) upon entry into the state.
- (3) Used apiary equipment or appliances that have been exposed to terminal disease may not be sold without the consent of the county bee inspector or the commissioner.
- (4) In lieu of Subsection (1), the certificate may be a Utah certificate.
- (5) (a) If the department determines it is necessary for any reason to inspect any bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this inspection finds terminal disease, the department shall cause all diseased colonies, appliances, and equipment to be either:
- (i) destroyed immediately; or
 - (ii) removed from the state within 48 hours.
- (b) The costs under Subsection (5)(a)(i) or (ii) shall be paid by the person bringing the diseased colonies, appliances, or equipment into the state.

Amended by Chapter 73, 2010 General Session

4-11-12. Quarantine authorized.

The commissioner, in order to protect the bee industry of the state against bee health or management issues, may quarantine the entire state, an entire county, or any apiary or specific hive within the state, as the commissioner considers necessary.

Amended by Chapter 73, 2010 General Session

4-11-13. Unlawful acts specified.

It is unlawful for a person to:

- (1) extract honey in any place where bees can gain access either during or after the extraction process;
- (2) remove honey or wax, or attempt to salvage, or salvage any hives, apiary equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant, unless specifically authorized by a county bee inspector or the commissioner;
- (3) maintain any neglected or abandoned hives, apiary equipment, or appliances other than in an enclosure that prohibits the entrance of bees;
- (4) raise bees without being registered with the department;
- (5) operate a wax-salvage plant without a license;
- (6) store an empty hive body, apiary equipment, or appliances in a manner that may propagate pests, disease, or bee feeding frenzy; or
- (7) knowingly sell a colony, apiary equipment, or appliances that are inoculated with terminal disease pathogens.

Amended by Chapter 73, 2010 General Session

4-11-14. Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.

- (1) It is a public nuisance to keep or maintain an abandoned apiary, apiary equipment, or appliance other than in an enclosure that prohibits the entry of bees.

(2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.

(3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the county bee inspector shall attempt to notify the registered owner, if any.

(4) (a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.

(b) The county bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.

(c) If a registered owner does not comply with Subsection (4)(a), the county bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.

(5) A county bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Amended by Chapter 73, 2010 General Session

4-11-15. Wax-salvage operations -- County bee inspector to supervise compliance with rules -- Salvage procedures specified.

(1) All wax-salvage operations with respect to wax, hives, apiary equipment, and appliances that have been exposed to disease pathogens shall be performed under the direction and supervision of the county bee inspector according to procedures established by rules of the department.

(2) A wax salvage operation shall be conducted in an enclosure that is tightly double-screened to prevent the possible entrance of bees.

(3) Entrance to the enclosure shall be through a vestibule, double-screened in the same manner as the enclosure, with tight-fitting doors at each end.

(4) All boiling or melting of any noncontaminated apiary equipment, such as cappings, honey supers, hives, or frames shall be done in a bee tight enclosure.

Amended by Chapter 73, 2010 General Session

4-11-17. Maintaining gentle stock.

A beekeeper may not intentionally maintain an aggressive or unmanageable stock, whether African or European in origin.

Enacted by Chapter 73, 2010 General Session