
SALT LAKE CITY COUNCIL MEMORANDUM

Date: October 29, 2009

Subject: Proposed Ordinance amending Section 8.04.010, definitions, Salt Lake City Code, to add definitions related to beekeeping and enacting Chapter 8.10, beekeeping, Salt Lake City Code, to authorize beekeeping subject to certain regulations.

Affected Council Districts: City-wide

Staff Report By: Quin Card

The intent of the proposed ordinance is to authorize beekeeping throughout Salt Lake City subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

MOTIONS:

1. ["I move that the Council"] Refer action to a future Council meeting.
2. ["I move that the Council"] Adopt an ordinance amending City Code, Section 8.04.010 – Definitions and enacting Chapter 8.10 Beekeeping, to authorize beekeeping subject to certain regulations.
3. ["I move that the Council"] Not adopt an ordinance amending City Code, Section 8.04.010 – Definitions and enacting Chapter 8.10 Beekeeping, to authorize beekeeping subject to certain regulations.

The following information was provided previously for the Council Work Session on October 6, 2009. It is provided again for background purposes.

KEY ELEMENTS:

The following bullet points outline regulations being proposed in this amendment:

1) Hives on Residential Lots

- No more than five stacks of five hive boxes will be permitted in the rear yard of any residential lot.
- On residential lots larger than one-half acre (21,780 square feet) or larger, the number may be increased to 10 stacks of five hive boxes.
- A person may not place hives on property owned by another individual without first obtaining written permission.
- Hives must be placed at least five feet from any property line and at least six inches above the ground. (This requirement may be waived in writing by the adjoining property owner.)
- Hives shall be placed on property so the general flight pattern of bees is in a direction which will limit bee contact with humans and domesticated animals on adjacent properties or areas of public access.
 - If a hive is within twenty-five feet from an adjacent property or public access area as measured from the nearest point on the hive to the property line, a flyway barrier of at least six feet in height must be maintained. When adjacent to a property line, the barrier shall consist of a solid wall, fence, dense vegetation, or a combination thereof, parallel to the property line which extends at least ten feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the apiary.
- A water source must be available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighborhood property.

2) Hive Maintenance

- Hives must have removable frames which are kept in sound and usable condition.
- The African species of bees or any hybrid involving the African species is prohibited.
- Hives must be operated and maintained in accordance with the Utah Bee Inspection Act.
- Hives must be conspicuously marked with the owner's name, address, telephone number and state registration number.
- If there is a conflict between Salt Lake City's ordinance and the regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations will apply.
- Beekeepers shall ensure that no bee comb or other beekeeping equipment is left on the grounds of any apiary site. Upon removal from the hive, all supplies should be promptly disposed of or placed in a sealed container or within a building or other bee-proof enclosure.

3) Beekeeper Registration

- Beekeepers will be required to register 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.

4) Permits and Fees

- Beekeepers will be required to pay the beekeeper license fee to the State which is a minimum of \$10 per year, and increases based on the number of hives being kept.

POLICY ISSUES – ISSUES FOR COUNCIL CONSIDERATION:

The following are items that the Council may wish to consider further or discuss with respect to the proposed beekeeping ordinance.

- 1) **Number of hives** – The number of five hives being allowed on a property was suggested as a maximum number allowed because of the need for beekeepers to consolidate hives at the end of the year, in case of weak colonies. The combining of weak colonies can better ensure the bees survival through the winter.
- 2) **Ordinance Enforcement** - The bullet points are options the Council may wish to consider regarding enforcement of the beekeeping ordinance.
 - County Animal Control indicated their officers are not trained in bee enforcement; therefore it is their opinion Animal Control is not the appropriate agency to enforce the ordinance.
 - The Council may wish to inquire of the Administration what department would be best suited to enforce the ordinance.
 - Salt Lake County has contracted a County Bee Inspector to inspect hives on a complaint basis. The same service could be available to the City to enforce the ordinance. The County Bee Inspector charges the County \$75 per visit, and will not exceed \$5,000 per year (66 visits). The Council may wish to discuss this item in context with the next budget amendment, as currently no funds are allocated for this purpose. The Council may also wish staff to further research possible contracting options for enforcement.
- 3) **City Hive** – Council Member Martin has suggested that it may be interesting to have a “City hive” since Salt Lake City is the capital of the “Beehive State”. The hive could be included as part of the historical tours of the City & County Building. A Salt Lake City resident has indicated that he would be willing to donate his time to maintain a hive for the City. Possible locations where a City hive could be placed are the roof of the City’s Main Library or the west balcony of the City & County Building. The Council may wish to discuss this option. The Council may also wish to discuss how maintenance would be funded if it is not possible to guarantee volunteer time.
- 4) **Agricultural Zones** – Prior to 1995 beekeeping was a permitted use in Agricultural zones. The Council may wish to consider amending the permitted uses in Agricultural zones to allow beekeeping once again.

cc: David Everitt, Karen Hale, Lyn Creswell, Ed Rutan, Lynn Pace, Frank Gray, Mary De La Mare-Schafer, Rick Graham, Jennifer Bruno, City Council Liaisons, Mayors Liaisons

File Location – I:, Quin, Beekeeping, Beekeeping Staff Report 10.7.2009

Date Submitted	name	surname	address	email	comments	district
10/15/2009 11:43	Amy	Collins	437 E. Harrison Avenue	amy@glencanyon.org	I'm writing to comment on the newly proposed bee ordinance. Bees play a critical role in the success of everything we grow -- and they are dying by the billions. We need to do all we can to encourage neighborhood urban bee keeping in order help the bees survive. Most lots in Salt Lake on the smaller side and home owners,like me, need to unitize their side yards. Please allow bee hives to be placed on side yards (with the permission the neighbor whose yard it abuts). Thank you for your consideration.	
10/19/2009 22:34	Jennifer	Owens	1233 South Redwood Drive	j0w3ns@gmail.com	I fully support the proposal to allow beekeeping with permits within the city. Bees are vital to our vegetable and flower gardens and promote biodiversity. Thank you for considering this proposal.	
10/20/2009 12:59	Jilene	Whitby	846 W. 400 N.	jwhitby@utah.gov	I disagree with the restriction on the number of boxes per hive and the distance from anothers property boundary. It is important to place a hive where it has protection on two sides and faces south. One side for me is a garage wall and another a 6 foot wooden fence between me and my neighbor. I doubt they even know there is a hive on the other side. The bee's flight pattern is pretty much straight up and down from the door of the hive. I have had dinners in my back yard where chairs have been set up 4 feet from the hive. The people who set there have not even noticed the bees or mentioned them. Honey bees are not interested in what people eat and so don't bother people with food in hand or the table on which it is placed. Wasp and yellow jackets do, but not the honey bee. And to limit the height of the hive is to say to the bees, "Stop producing." You can't split the hive without a queen bee and to fail to put an empty super or box on top of one that is filled with honey is an invitation to the bees to swarm. You Cannot control nature by ordinance. These bees are the seetest of creatures and are concerned only about the work at hand. If you want to come and see a hive in action, you are welcome to visit mine and talk with my neighbors about their concerns or thoughts about them.	2
10/23/2009 10:41	Sherrie	Kimball	1584 E Laird AV	sher1dakota@yahoo.com	I am in favor of the proposed Bee Keeping Ordinance as written.	6

1 (LEGISLATIVE COPY)

2 SALT LAKE CITY ORDINANCE

3 No. ____ of 2009

4
5 (Amending Section 8.04.010 to Add Definitions Related to Beekeeping and Enacting
6 Chapter 8.10 to Establish Beekeeping Regulations)

7
8 An Ordinance Amending Section 8.04.010, *Salt Lake City Code*, to add definitions
9 related to beekeeping and enacting Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping
10 subject to certain regulations.

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

13 WHEREAS, bees, via pollination, are responsible for 15 to 30 percent of the food eaten
14 by U.S. consumers, and

15 WHEREAS, in the last 50 years the domesticated honeybee population, on which most
16 farmers depend for pollination, has declined by about 50 percent, and

17 WHEREAS, Salt Lake City allowed apiaries in agriculturally zoned areas until the 1980s
18 when concerns about killer bees led to the prohibition of apiaries in the City, and

19 WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits,
20 including gentleness, honey production, reduced swarming, pollination attributes, and other
21 characteristics which are desirable to foster and maintain; and

22 WHEREAS, gentle strains of honeybees can be maintained within populated areas in
23 without causing a nuisance if properly located, managed, and maintained, and

24 WHEREAS, the City Council of Salt Lake City, Utah, (i) desires to amend Section
25 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and to enact Chapter
26 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations as set forth

below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. **Amending Section 8.04.010.** That Section 8.04.010 of the *Salt Lake City Code*, shall be, and hereby is, amended to include definitions of "Apiary," "Beekeeper," "Beekeeping Equipment," "Colony," "Hive," and "Honeybee" which shall be inserted in alphabetical order and shall read as follows:

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.

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

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

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

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HONEYBEE: The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

SECTION 2. **Enacting Chapter 8.10.** That Chapter 8.10 of the *Salt Lake City Code* shall be, and hereby is, enacted to authorize beekeeping subject to certain regulations, as follows:

BEEKEEPING

8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) stacks of five (5) hives or an equivalent capacity, may be maintained in the rear 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 stacks of five (5) hives.

B. 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.

8.10.040: BEEKEEPER REGISTRATION:

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.

8.10.050: HIVES:

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A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground; provided, however, that this requirement may be waived in writing by the adjoining property owner.

C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

8.10.060: FLYWAYS:

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 on adjacent property or areas of public access. If a hive is located within twenty-five (25) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained. When adjacent to a property line, the flyway shall consist of a solid wall, fence, dense vegetation, or a combination thereof, parallel to the property line which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

8.10.070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

8.10.080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.

8.10.100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04.510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

SECTION 3. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2009.

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CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.

Published: _____