
SALT LAKE CITY COUNCIL MEMORANDUM

Date: November 24, 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.

REVISIONS

The Council held a work session discussion on November 10, 2009, and discussed changes to the proposed beekeeping ordinance. Changes have been made to the proposed ordinance based on the Council's discussion from that night (*see attached ordinance, in revision format*). The changes are as follows:

1. The revised ordinance is silent regarding how many boxes each hive may consist of.
 2. The revised ordinance allows hives in side yards in addition to rear yards.
 3. The revised ordinance reduces the distance regulation requiring a flyway barrier from 25 to 15 feet from a property line or an area which provides public access.
 4. The revised ordinance keeps the flyway barrier rule as is along the property line; however, it also allows for another option which is to have a barrier directly around the hive which would direct the flight path upward.
 5. The revised ordinance specifies that the requirement that the hive should be 6 inches above ground will be as measured from the ground to the lowest part of the hive.
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MOTIONS:

1. ["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.

2. ["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 November 10, 2009. It is provided again for background purposes.

PUBLIC HEARING INFORMATION:

This report was printed and distributed prior to the Council Public Hearing on Thursday, November 5th. If Council Staff receives any comments on November 5th, or any follow-up questions or direction from Council Members, staff will provide it in advance of the Council's next work session discussion, scheduled for November 10th.

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 11.24.2009

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

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

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

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

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

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

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

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

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

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

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

46 Chapter 8.10

47 BEEKEEPING

48 8.10.010: PURPOSE:

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

51 8.10.020: CERTAIN CONDUCT UNLAWFUL:

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

55 8.10.030: HIVES ON RESIDENTIAL LOTS:

56 A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A
57 of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may
58 be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is
59 larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten
60 (10) hives.

61 B. A person shall not locate or allow a hive on property owned or occupied by another
62 person without first obtaining written permission from the owner or occupant.

63 8.10.040: BEEKEEPER REGISTRATION:

64 Each beekeeper shall be registered with the Utah Department of Agriculture and Food as
65 provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as
66 amended.

67 8.10.050: HIVES:

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

70 B. Hives shall be placed at least five (5) feet from any property line and six (6) inches
71 above the ground, as measured from the ground to the lowest portion of the hive; provided,
72 however, that this requirement may be waived in writing by the adjoining property owner.

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

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

76 8.10.060: FLYWAYS:

77 A hive shall be placed on property so the general flight pattern of bees is in a direction
78 that will deter bee contact with humans and domesticated animals. If any portion of a hive is
79 located within fifteen (15) feet from an area which provides public access or from a property line
80 on the lot where an apiary is located, as measured from the nearest point on the hive to the
81 property line, a flyway barrier at least six (6) feet in height shall be established and maintained
82 around the hive except as needed to allow access. Such flyway, if located along the property line
83 or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation,
84 or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so
85 that bees are forced to fly to an elevation of at least six (6) feet above ground level over property
86 lines in the vicinity of the apiary.

87 8.10.070: WATER:

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

91 8.10.080: BEEKEEPING EQUIPMENT:

DISCUSSION DRAFT - NOVEMBER 24, 2009

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Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.

Published: _____