

ORDINANCE NO. 1377

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, AMENDING CHAPTER 6.12 OF TITLE 6 OF
THE NAPA COUNTY CODE REGULATING BEEKEEPING**

WHEREAS, the Local Food Advisory Council was appointed by the Napa County Board of Supervisors to advise the Agricultural Commissioner regarding, among other things, ways that County regulations and policies can be amended to encourage local food production; and

WHEREAS, Napa County Code currently contains limits on beekeeping that are impractical and do not reflect today's best practices; and

WHEREAS, a new beekeeping ordinance for unincorporated Napa County Code could serve as a model for incorporated jurisdictions in the County; and

WHEREAS, the ad hoc committee of the Local Food Advisory Council charged with reviewing local policies has consulted with beekeepers in Napa County regarding state of the art beekeeping ordinances and best practices; and

WHEREAS, the Napa County Beekeepers Association maintains a list of best practices and has agreed to educate local beekeepers about these practices and to help resolve neighbor complaints when they arise; and

WHEREAS, the Agricultural Commissioner has received input from local beekeepers, the ad hoc committee, and the Local Food Advisory Council, and recommends revisions to Napa County's beekeeping ordinance; and

WHEREAS, the Board of Supervisors finds it is in the public interest to regulate beekeeping in such a way that beekeeping is encouraged without becoming a public nuisance;

NOW, THEREFORE, the Board of Supervisors of Napa County, State of California, ordains as follows:

SECTION 1. Chapter 6.12 (Beehives) of the Napa County Code is amended to read in full as follows:

Chapter 6.12 - BEEHIVES

- 6.12.010** **Definitions.**
- 6.12.020** **Apiary best management practices.**
- 6.12.030** **Right of entry for enforcement.**
- 6.12.040** **Violation - Notice requirements.**
- 6.12.050** **Violation - Remedies.**
- 6.12.060** **Compliance with state law.**

6.12.010 **Definitions**

For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set forth unless it shall be apparent from the context that a different meaning is indicated. Any word or phrase used in this chapter and not defined in this section shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code.

"Apiary" means bees, comb, hives, appliances or colonies, wherever the same are kept, located or found.

"Bees" means honey-producing insects of the genus *Apis*, including all life stages of such insects.

"Commissioner" means the county agricultural commissioner and all regularly appointed employees of the commissioner's office acting pursuant to their official duties.

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

6.12.020 **Apiary best management practices.**

- A. Apiaries shall be permitted within the county consistent with all of the provisions of this section:
 - 1. Apiaries shall consist of moveable frame hives in sound and useable condition.
 - 2. Apiaries shall be operated and maintained in accordance with best management practices developed by the Napa County Beekeepers Association and as adopted by resolution of the board of supervisors.
 - 3. Apiaries shall be screened from neighboring dwellings and public walkways.

B. The provisions of this chapter, however, shall not authorize the keeping of bees in a manner constituting a public nuisance as defined in subsection (B)(2) of Section 1.20.020, although no resolution of the board of supervisors shall be required to establish the public nuisance.

6.12.030 Right of entry for enforcement.

The commissioner is empowered to enter upon any premises where bees are kept, or upon which there is reason to believe that bees are kept, in order to carry into effect the provisions of this chapter.

6.12.040 Violation - Notice requirements.

A. Any person owning, controlling or maintaining an apiary who violates any of the provisions of this chapter shall be given notice thereof and an order to abate, either by the commissioner or any law enforcement officer. The order shall specify the violations of this chapter and conditions to be abated.

B. The order of abatement may be personally served, or if personal service cannot be effectuated, then by both posting a copy of the order on the property and mailing a copy of the order by certified mail to the owner of the property.

C. If, in the commissioner's or law enforcement officer's opinion, the specified violations constitute an immediate threat to the public's health and safety, the order shall provide the conditions are to be corrected and abated within seventy-two hours of personal service or posting of the order.

D. In all other instances, the specified violations shall be corrected and abated within fourteen days of personal service or posting of the order.

6.12.050 Violation - Remedies.

In addition to remedies otherwise provided by law, a violation of this chapter shall be a public nuisance which may be civilly abated or criminally prosecuted and punished in the manner set forth in Chapter 1.20 of this code.

6.12.060 Compliance with state law.

Nothing in this chapter shall excuse compliance with state laws applicable to apiaries.

SECTION 2. The Director of Conservation, Development and Planning has determined that this Ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act [See guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15061(b)(3)].

SECTION 3. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the goals and polices of the 2008 General Plan Update preserving agricultural lands for agricultural use (AG/LU-4), encouraging local food production (AG/LU-190, and maintaining the quality of life in Napa County through enforcing regulations and codes (Policy AG/LU-118).

SECTION 4. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Napa County hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the 18th day of December, 2012,

and was passed at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the 8th day of January, 2012, by the following vote:

AYES: SUPERVISORS CALDWELL, DODD, DILLON, LUCE, and
WAGENKNECHT
NOES: SUPERVISORS NONE
ABSTAIN: SUPERVISORS NONE
ABSENT: SUPERVISORS NONE

BRAD WAGENKNECHT, CHAIRMAN
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM Office of County Counsel	Approved by the Napa County Board of Supervisors
By: <u>Robert W. Paul</u> (by e-signature) Deputy County Counsel	Date: January 8, 2013
By: <u>Sue Ingalls</u> (by e-signature) County Code Services	Processed by:
Date: <u>October 9, 2012</u>	_____ Deputy Clerk of the Board