



# ORDINANCE No. 2466

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### AN URGENCY ORDINANCE ADDING ARTICLE 2 TO CHAPTER XIV OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE REGARDING BEEKEEPING (4/5ths AFFIRMATIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA,  
ORDAINS AS FOLLOWS:

#### SECTION I:

Article 2 of Chapter XIV of Title 3 of the Nevada County Code is hereby added to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

#### SECTION II:

The Board of Supervisors finds that this ordinance is not subject to the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., pursuant to CEQA Guidelines sections 1) Section 15061(b)(3) because it can be seen with certainty that the project will not have a significant effect on the environment and because the purpose of the ordinance is to administer a registration program pursuant to state law and protect apiaries from harmful overlapping and reduction of resources; 2) Section 15303 because the ordinance places locational limits on apiaries per square mile, it is likely to result in the construction and location of limited numbers of new, small structures, such as new hive boxes; 3) Sections 15307 and 15308 because the ordinance places locational density limits on commercial apiaries, it is designed to prevent destructive pest infestations and to manage food and water resources for all apiaries, and will therefore assure the protection of natural resources and the environment; and 4) Section 15321 because a violation of the ordinance will be deemed a public nuisance, it includes an action by the County for enforcement of a law, standard, or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement.

#### SECTION III:

Based on the findings set forth in Exhibit A attached hereto, this ordinance is declared an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors.

#### SECTION IV:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof

irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a four fifths vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of May, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

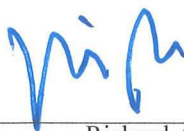
Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Richard Anderson, Chair

5/14/2019 cc: GIS\*  
Union\*  
Sierra Sun\*  
COB\*  
CoCo\*  
QC\*  
Ag. Comm\*

## Exhibit A

### ARTICLE 2 BEEKEEPING

#### Sec. L-XIV 2.1 Findings and Purpose

The Board of Supervisors hereby finds and determines as follows:

- A. The health of local bee populations as related to the sustainability of our local environment and ecosystems is vitally important.
- B. Many beekeepers find Nevada County to be an ideal summer holding ground for apiaries due to potential foraging opportunities for bees and minimal pesticide use within the County.
- C. Due to the demand for apiary sites in Nevada County as summer holding grounds for hives destined for pollination in other counties, both commercial and recreational beekeepers in Nevada County are facing an imminent threat of deleterious overstock of the local landscape.
- D. The oversubscription of food sources may result in a significant reduction in honey production and pollination, as well as an increase in the prevalence of bee pests and diseases.
- E. The Nevada County Board of Supervisors desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and beekeeping industry and the public health, safety and welfare from public nuisances, by ensuring there will be ample space between colonies of beehives.
- F. This Article is intended to supplement and harmonize with the Apiary Protection Act, Food and Agricultural Code sections 29000, et seq., and related regulations.
- G. Based on the findings set forth in in this Section L-XIV 2.1, this ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors.

#### Sec. L-XIV 2.2 Definitions

As used in this Article, the following definitions shall apply:

- A. "Africanized honey bee" means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.
- B. "Beekeeper" shall mean the owner, operator and/or person in control of any Apiary.
- C. "Commercial Apiary" is any Apiary containing ten (10) or more hives or nucleus colonies of bees, but does not include a Hobbyist Apiary or a Pollination Apiary.
- D. "Commissioner" means the Nevada County Agricultural Commissioner or his or her designee.

- E. "Hobbyist Apiary" means an apiary containing nine (9) or fewer colonies.
- F. "Mating Nucleus Apiary" means a Commercial Apiary containing nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner for that purpose.
- G. "Pollination apiary" means an apiary of any size established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Any word or phrase used in this Article and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the Food and Agriculture Code of the State.

**Sec. L-XIV 2.3 Apiary Locations- Encroachment, Stocking Limit & Nuisance**

**A. Locational Requirements**

- 1. **Protection from Encroachment.** No person shall establish, place, keep, cause or allow a Commercial Apiary closer than two miles (by GPS coordinates) from any other registered Commercial Apiary location, except if:
  - a. All Commercial Apiary locations within a two-mile radius are being kept or maintained by the same Beekeeper; or
  - b. The proposed location of the encroaching Commercial Apiary was listed on the beekeepers 2018 Apiary Registration, and the Commercial Apiary location has been registered by the same Beekeeper, or registered transferee, every subsequent year; or
  - c. Written permission is provided to the Commissioner from the owner of the existing Commercial Apiary being encroached upon; or
  - d. The encroaching Commercial Apiary is a Pollination Apiary.
- 2. **Availability of Water** No person shall place, keep, cause or allow any Apiary to remain in any location unless one of the following conditions exists:
  - a. There is a natural water supply in existence within a distance of one-half mile from the Apiary; or
  - b. An artificial water supply 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 consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

- B. **Transfer of Encroachment Protection to New Owner.** A Commercial Apiary location that has been registered with and approved by the Commissioner may be transferred by a Beekeeper to another party only if:

1. the selling party has an active Commercial Apiary at the approved location at the time of transfer;
2. the Commercial Apiary is in compliance with the registration and permit requirements of Food and Agriculture Code section 29040; and
3. the active Commercial Apiary is sold or transferred to the transferee.

A Beekeeper proposing to transfer an approved location must present written documentation of the sale or transfer to the Commissioner within 30 days after the date of sale or transfer. The transferee must register the transferred Apiary and pay the appropriate registration fee for the current calendar year within 30 days after the date of sale or transfer.

- C. Expiration of Protection from Encroachment.** Every Commercial Apiary Location must be occupied and re-registered on an annual basis. After a lapse of registration of one year, or if colonies are not placed on a site within the annual registration period, then previous registration rights to a location as well as protection from encroachment will expire.
- D. Seasonal Hive Limit.** Except for Mating Nucleus Apiaries and Pollination Apiaries, no parcel may contain more than 48 live colonies of bees between **May 15 and October 15**. Commercial Apiaries that are part of a research or educational project are exempt from the colony limit herein described.
- E. Permission of Property Owner.** No person shall place, keep, cause or allow any Apiary to remain on land not owned or possessed by such person unless the person has the permission of the owner or person lawfully in possession of such land, or an authorized agent thereof, and can establish proof of such approval upon demand of the Commissioner. The approval shall include the name and phone number of the person granting approval.
- F. Overly Defensive and Africanized Honey Bees.** No person shall keep an Apiary of overly-defensive or Africanized honey bees.

#### **Sec. L-XIV 2.4 Enforcement**

Any act in violation of any provision of this Article is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.