

## **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.