

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA,
ADDING CHAPTER 6.12 OF THE CITY OF AMERICAN CANYON MUNICIPAL
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 and City regulations and policies can be amended to encourage local food production; and

WHEREAS, the City of American Canyon Municipal Code currently lacks regulation of beekeeping; and

WHEREAS, a new beekeeping ordinance for unincorporated Napa County Code was intended to serve as a model for incorporated jurisdictions in the County such as the City of American Canyon; 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 a model ordinance for jurisdictions that lack beekeeping regulations; and

WHEREAS, the City Council of the City of American Canyon 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 City Council of the City of American Canyon, ordains as follows:

SECTION 1. Chapter 6.12 (Beehives) of the City of American Canyon Municipal Code is added 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.

"City" means the City of American Canyon

"City Council" means the City Council of the City of American Canyon

"Code" means the Municipal code of the City of American Canyon

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

"County" means the County of Napa

"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 city 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 city council.

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 city council 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 code 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 code 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 published in the manner set forth in Chapter 9.04 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. 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 General Plan Objective 1.5 to maintain the character and quality of the natural environmental resources of the City and protect the population and development from the adverse impacts of environmental hazards.

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 City Council 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.

The foregoing ordinance was **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon, State of California held on the 19TH day of February, 2013 by the following vote:

MAYOR GARCIA:
VICE MAYOR JOSEPH:
COUNCIL MEMBER B. BENNETT:
COUNCIL MEMBER J. BENNETT:
COUNCIL MEMBER LEARY:

yes
yes
yes
yes
yes

Leon Garcia
Leon Garcia, Mayor

ATTEST:

Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVE AS TO FORM:

William D. Ross
William D. Ross, City Attorney