

Council Meeting 12-14-2010
Santa Monica, California

ORDINANCE NUMBER ____ (CCS)
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
AMENDING CHAPTER 4.04 OF THE SANTA MONICA MUNICIPAL CODE
RELATED TO BEE KEEPING AND ANIMAL CONTROL REGULATIONS

WHEREAS, bees are highly beneficial to society as they provide agriculture, fruit and garden pollination services; and

WHEREAS, bees, via pollination, are responsible for 15 to 30 percent of the food eaten by U.S. consumers; and

WHEREAS, bees further benefit society by producing honey, wax, and other useful products; and

WHEREAS, in the past 50 years, the domesticated honeybee population, on which most farmers depend for pollination, has declined by about 50 percent; and

WHEREAS, many domestic strains of bees have been bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes, and other characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of bees can be maintained within populated areas without causing a nuisance if properly located, managed, and maintained,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 4.04.130 of the Santa Monica Municipal Code is hereby
amended to read as follows:

4.04.130 Bees

~~No person shall keep any bees within the City.~~

(a) Definitions

1. "Bee" shall mean any stage of the common domestic honey bee, Apis Mellifera species.

2. "Hive" shall mean a structure for the housing of a bee colony.

3. "Requeen" means to replace the queen bee in a colony with a younger and more productive queen, a common practice in beekeeping to prevent bee swarming.

(b) General Requirements

1. Hives may only be maintained on single-family residential property.

2. No more than two hives may be maintained on any single-family residential property.

3. All bee colonies shall be kept in inspectable hives consisting of moveable frames and combs.

4. Hives must be kept in sound and usable condition at all times.

5. Any person intending to maintain any bee hive on any single-family residential property within the City must first register with the City's Animal Control Office.

(c) Hive Placement Requirements

1. Hives shall be located at least five feet from all property lines.

2. Hive entrances shall face away from or parallel to the nearest property line(s).

3. Hives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight-feet above the adjacent ground level.

(d) Hive Management Requirements

1. Hives shall be continually managed to provide adequate living-space for their resident bees to prevent swarming.

2. Hives shall be requeened at least once every two years to prevent swarming.

3. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

4. Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

(e) Nuisance – bees or hives shall be considered a public nuisance when any of the following occurs:

1. Colonies of bees exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties.

2. Colonies of bees swarm.

3. Bees or hives do not conform to this code.

4. Hives become abandoned by resident bees or by the owner.

(f) Penalties for violations

1. Any person violating this Section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

2. Any person who violates any provision of this Section shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.

3. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

Section 2. Section 4.04.400 of the Santa Monica Municipal Code is hereby amended to read as follows:

4.04.400 Powers and Immunities of Animal Control Officers.

(a) The City Council finds and declares that Animal Control Officers shall enforce laws of the State of California and municipal ordinances relating to the control of animals and have immunity from liability for acts performed in the course of such duties; that violators of animal control laws should be given the opportunity to be released on citation, rather than be taken into custody; that Animal Control Officers rather than police officers issue such citations; and that

persons who refuse to sign citations be taken into custody by police officers and not by animal control officers.

(b) In the performance of their duties, animal control officers shall have the power, authority and immunity of a public officer and employee as set forth in Penal Code Section 836.5 to make arrests without warrant whenever they have reasonable cause to believe that the person to be arrested has committed a public offense in their presence which is a violation of this Article, or of any ordinance of the City of Santa Monica or Penal Law of this state relating to the care, ownership, licensing, treatment and impounding of animals.

(c) The term "arrest" as used in this Section shall mean the power to detain violators for a time sufficient to complete the processing of a citation and release pursuant to Section 853.5 and 853.6 of the Penal Code, but shall not be construed as authority to take any such violators into custody.

(d) Where it is necessary to make an inspection to enforce provisions of this Code, or where there is reasonable cause to believe that there exists a violation of this Code which may cause health or safety hazards to the community, the Animal Control Officer is authorized to enter upon private property at reasonable times to inspect or to perform duties authorized by this Code. If the property is occupied, the Animal Control Officer shall present his/her credentials to the occupant prior to requesting entry. If the property is unoccupied, absent exigent circumstances, the Animal Control Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry. If entry is refused or if the owner could not be located, the Animal Control Officer shall have recourse to the remedies provided by law to secure entry.

Section 3. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

MARSHA JONES MOUTRIE
City Attorney