

Chapter 8.20

BEES AND APIARIES*

Sections:

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| 8.20.00E | Editor's note to Chapter 8.20. |
| 8.20.010 | Definitions. |
| 8.20.020 | Nuisance bees; duty to exterminate. |
| 8.20.030 | Nuisance bees; notice to abate; appeal; time limit for compliance. |
| 8.20.040 | Nuisance bees; abatement by City. |
| 8.20.050 | Nuisance bees; summary abatement. |
| 8.20.060 | Placement and identification of apiaries. |
| 8.20.070 | Water supply. |
| 8.20.080 | Public nuisance; duty to abate. |
| 8.20.090 | Public nuisance; enforcement. |
| 8.20.100 | Penalty for violation. |
| 8.20.110 | Injunction. |

Section 8.20.00E Editor's note to Chapter 8.20.

Prior ordinance history: Ord. 4112.

Section 8.20.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Abate" means to exterminate, destroy, eliminate, seize, impound or mitigate.
- B. "Africanized Honey Bees" means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*.
- C. "Apiary" includes bees, comb, hive, appliances, or colonies, wherever they are kept, located or found.
- D. "Appliance" means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.
- E. "Bees" means honey-producing insects of the genus *Apis* and includes all life stages of these insects.
- F. "Colony" means one hive and its contents, including bees, comb and appliances.
- G. "Comb" includes all materials which are normally deposited into hives by bees but excludes extracted honey or royal jelly, trapped pollen, and processed beeswax.
- H. "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.
- I. "Code Compliance Officer" means any person who is authorized to enforce this chapter. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.020 Nuisance bees; duty to exterminate.

Bees, including Africanized Honey Bees shall be considered a public nuisance when they interfere with the normal use of private or public property or have shown unusual aggressive behavior toward a person or animal.

Every owner or person in charge of, or in possession of, any property on which nuisance bees are present shall proceed in good faith to endeavor to exterminate said bees. (Ord. 6471§

1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.030 Nuisance bees; notice to abate; appeal; time limit for compliance.

A. Whenever nuisance bees are present on any property within the City, the Director of Public Works, or his designee, may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of or in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the nuisance bees, removing the dead bees, and removing combs and hives.

B. Notices served by means other than posting, as set forth in Section 6.15.025, shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.

C. Within ten days from the date of giving notice, the violator may file an appeal as set forth in Section 6.15.030.

D. The violator must abate the nuisance within the time limit for compliance as set forth in Section 6.15.035. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.040 Nuisance bees; abatement by City.

A. In the event the owner or person in charge of or in possession of the property affected by such notice fails, neglects or refuses to proceed and to endeavor to exterminate the nuisance bees within the time specified herein, the Director of Public Works shall at once cause the nuisance bees to be exterminated and destroyed.

B. The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

C. The property owner may be responsible for the costs of the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.050 Nuisance bees; summary abatement.

In cases of manifest public danger and/or immediate necessity, the Public Works Director, or his designee, shall have the authority to immediately call a contractor to exterminate the bees without observance of any notice requirements described in Chapter 6.15.

The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

If the City abates the nuisance bees, the affected property may be assessed for the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.060 Placement and identification of apiaries.

A. Permission. Prior to locating or maintaining an apiary, written permission of the property owner or occupant shall be obtained if the apiary is located on a property not owned or leased by the person responsible for the apiary.

B. Distance from Public Roads. All apiaries owned or kept within the City of Riverside shall be located at least three hundred feet from any and all public streets, roads and freeways, unless there are natural barriers to prevent bees from causing a nuisance or hazard to persons using the road or freeway.

C. Distance from Structures. All apiaries owned or kept within the City of Riverside shall be located at least five hundred feet from houses or buildings, unless the owner of the apiary first obtains permission from the occupant or person in charge of the house or building.

D. Distance from Schools. All apiaries owned or kept within the City of Riverside within five hundred feet from school yards or places where people congregate shall be located and maintained behind barriers (natural or otherwise) or at least six feet in height.

E. Entering Other Lands. No apiary shall be maintained or allowed in the City if there are substantial numbers of bees from such apiary which are entering land other than where such apiary is situated and are causing a public nuisance to the extent that the health, safety and welfare of the public is endangered or property is damaged.

F. Sign. No person shall maintain an apiary on premises other than his or her residence unless the apiary is identified by a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, the number of a person who has agreed in writing to be responsible for the bees. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.070 Water supply.

Prior to placing an apiary, a plentiful supply of fresh water shall be furnished and kept available to such apiary at all times pursuant to the following methods and conditions:

A. A fresh water supply placed within one hundred feet of the apiary, or

B. A stream or reservoir containing available fresh water within three hundred feet of the apiary; all other sources of water available to the apiary, at locations where people or animals are present, must be one-quarter mile away from the stream or reservoir, and

C. All sources of water serving the apiary must be on property for which written permission has been granted or which is owned by the person responsible for the apiary. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.080 Public nuisance; duty to abate.

Any property or apiary in violation of this Chapter is a public nuisance. The owner or person in charge or possession of any such nuisance, upon receiving notice of the violation, shall correct or abate the violation within the time specified in the notice. (Ord. 6471 § 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.090 Public nuisance; enforcement.

A. The provisions of this chapter may be enforced by the abatement proceedings set forth in Sections 6.15.025 through 6.15.060 of this code, by summary abatement, by criminal prosecution or by injunction.

B. Any remedy provided in this Chapter for the abatement of a nuisance is in addition to any other remedy provided by law. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.100 Penalty for violation.

A. Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified.

B. Each day or portion thereof such violation is in existence shall be a new and separate offense.

C. Any person so convicted shall be:

1. Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars and not less than fifty dollars for a first offense;

2. Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars and not less than one hundred dollars for a second offense;

3. Guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars and not less than five hundred dollars or six months in jail, or both;

4. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

E. In addition to the above penalties, the court may order that the guilty party reimburse the City of Riverside for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City of Riverside. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1(part), 1976)

Section 8.20.110 Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Code Compliance Officer, an action by the City Attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 §1 (part), 1976)