

Laws and Regulations Pertaining to Beekeeping in Nevada County

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Nevada County is a beekeeper-friendly county, with a vibrant community of recreational beekeepers, as well as a number of sideline and commercial beekeepers. We are regulated by both State and County laws, of which all beekeepers need to be aware of. I've compiled the regulations that all County beekeepers need to be aware of below, highlighting the most important.

BEEKEEPING IN NEVADA COUNTY—THE SHORT VERSION

In short, California requires that **all** apiary locations be registered with the County Agricultural Commissioner on the first of January – this includes both hobbyists with a single hive, as well as those who make their living from beekeeping. There is no charge for registering up to 9 hives; any more costs \$10.

In 2018, we beekeepers recently asked the Board of Supervisors to ensure the sustainability of beekeeping in Nevada County by protecting us from the overstocking of the landscape with hives, especially drops of hundreds of commercial hives that prevent nearby beekeepers from enjoying a honey crop. Our requested Ordinance became effective in 2019. Now, **any beekeeper with 10 or more hives is considered by County law to be a "commercial" beekeeper, and cannot register any new locations within 2 miles of an existing registered commercial location. And no beekeeper can keep more than 48 hives in an apiary between May 15 and October 15. These limitations benefit all beekeepers --they prevent commercial beekeepers for overstocking the landscape over its carrying capacity, thus allowing recreational beekeepers with apiaries between the commercial yards to still make a honey crop.** The full version of the Ordinance is toward the end of this document.

Below are the applicable State and County regulations of most interest.

CALIFORNIA STATE REGULATIONS, FOOD AND AGRICULTURE CODE

29000. The Legislature hereby finds and declares that: A healthy and vibrant apiary industry is important to the economy and welfare of the people of the State of California. Protection and promotion of this important industry is in the interest of the people of the State of California.

The full text of the California Apiary Protection Act can be found at:

<https://www.cdfa.ca.gov/plant/pollinators/docs/Laws-Bee-Management.pdf>

Below are provisions especially relevant to all beekeepers.

Be aware that Section 29313 allows the Agricultural Commissioner to impose a civil penalty of up to \$1,000 for repeat or intentional violations.

ARTICLE 4. REGISTRATION AND IDENTIFICATION OF APIARIES

29040. **Every person that is the owner or is in possession of an apiary which is located within the state, on the first day of January of each year, shall register the number of colonies in each apiary which is owned by the person and the location of each apiary. Every person required to register under this article, shall do**

so on the first day of January of each year in which they maintain, possess, or are in possession of an apiary, or within 30 days thereafter, as prescribed in this article. ⁽⁷⁵⁸⁷⁾

29041. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), any information provided in accordance with this article or Section 29070 shall be held confidential, and shall not be disclosed to any person or governmental agency, other than the department or a county department of agriculture.

29042. Every person who moves bees into the state or otherwise comes into possession of an apiary that is located within the state after the first day of January, shall register the number of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary. ⁽⁷⁵⁸⁹⁾

29043. Registration of an apiary shall be filed with the commissioner of the county in which the apiary is located, or with the director if there is no commissioner in the county. The director shall adopt a form of registration to be used statewide, which shall include a request for notification of use of pesticide in accordance with Section 29101. All commissioners shall use the same form. ⁽⁷⁵⁹⁰⁾

29044. Each beekeeper, apiary owner, apiary operator, or person in possession of any apiary, shall pay, in addition to any other fees imposed under this chapter, an annual registration fee of ten dollars (\$10) to the commissioner of the county where the bees reside on January 1, to cover the cost of apiary registration. The director shall by regulation adopt and periodically update a schedule of the fees, which shall include late fees for anyone who fails to register an apiary under Sections 29041 and 29042. The board of supervisors of any county may waive the registration fee for any beekeeper, apiary owner, apiary operator, or person, who is a hobbyist not in the business of beekeeping and who possesses nine or fewer colonies. ⁽⁷⁵⁹¹⁾

29045. No person shall maintain any apiary which is not registered pursuant to this article. Each registration is valid until January 1 of the following year. ⁽⁷⁵⁹²⁾

29046. (a) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows: ⁽⁷⁵⁹³⁾

(1) 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, a statement to that effect. ⁽⁷⁵⁹⁴⁾

(2) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner which is prescribed in the ordinance. ⁽⁷⁵⁹⁵⁾

(b) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the owner of record, or an authorized agent thereof, and can establish approval upon demand of the director or commissioner. The approval shall include the name and phone number of the person granting approval. ⁽⁷⁵⁹⁶⁾

29047. Any person who owns or is in possession of an apiary may bring an action to recover damages for any injury to his or her apiary by reason of any pest control operation if the person has complied with Sections 29070, 29043, and 29046, and with regulations adopted by the director providing for the protection of bees under Sections 11502, 14005, and 29080 when these requirements apply to the property where the alleged damage has occurred. ⁽⁷⁵⁹⁹⁾

ARTICLE 7. USE OF PESTICIDES (29100-29103)

29100. (a) The Legislature hereby finds and declares that bees perform a valuable service to agriculture in this state. ⁽⁷⁶³³⁾

(b) The Legislature further finds and declares that the necessary application of certain pesticides to blossoming plants poses a potential hazard to bees. ⁽⁷⁶³⁴⁾

29101. (a) Each beekeeper shall report to the commissioner of the county in which his or her apiary is located on a form approved by the director, each location of apiaries for which notification of pesticide usage is sought.

29103. Failure of a beekeeper to remove hives from a specific location, except during specific periods of time, as provided in subdivision (c) of Section 29102 after notification, shall not prevent the application of pesticides to blossoming plants if consistent with the pesticide's labeling and regulations. When the pesticide applicator has complied with the notification pursuant to subdivision (c) of Section 29102 the applicator shall not be liable for injury to bees that enter the area treated during or after the application. ⁽⁷⁶⁴⁴⁾

ARTICLE 8. QUARANTINE (29110-29114)

29112. If an inspector finds any pest or disease which is known to be contagious in any apiary, the inspector may hold the apiary and may require that abatement be performed under his or her direct supervision. The inspector shall give notice that the apiary is held to the owner or bailee and post a copy of the notice in a conspicuous place in the apiary. ⁽⁷⁶⁴⁸⁾

ARTICLE 9. IMPORTATION (29120-29128)

29120. Except as otherwise provided in Section 29121, no person shall import or transport into the state any comb, bees on comb, queen bees, package bees, bee semen, or any used hive or used appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate prescribed by this article, and filed in a form and in the manner as set forth by the director, and unless the certificate is delivered to the commissioner of the county of destination or to the director, if there is no commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment. ⁽⁷⁶⁵²⁾

ARTICLE 12. SANITATION (29170-29181)

29170. No person shall maintain or operate a diseased colony of bees, except pursuant to Section 29074. ⁽⁷⁶⁹³⁾

29171. No person shall conceal or attempt to conceal the fact that disease exists within an apiary. ⁽⁷⁶⁹⁴⁾

29172. No person shall sell any diseased bees, comb, hive, appliance, or colony. ⁽⁷⁶⁹⁵⁾

29173. No person shall abandon any diseased apiary. ⁽⁷⁶⁹⁶⁾

29174. No person shall expose to bees any comb or honey from a diseased colony of bees, except pursuant to Section 29074. ⁽⁷⁶⁹⁷⁾

29175. No person shall extract or render any honey, pollen, or wax from comb except in a building or enclosure which is so constructed as to prevent access by bees. ⁽⁷⁶⁹⁸⁾

29176. No person shall possess any comb which is not occupied by a live bee colony unless the comb is tightly enclosed to prevent access to the comb by bees. ⁽⁷⁶⁹⁹⁾

29177. Any hive or appliance which contains any comb that is not occupied by a live bee colony and that is accessible to bees constitutes a public nuisance. The hive or appliance shall be subject to abatement in the same manner as is provided in Article 14 (commencing with Section 29200) of this chapter for abatement of disease. ⁽⁷⁷⁰⁰⁾

29178. No person shall make honey available to bees by means of open air feeding. ⁽⁷⁷⁰¹⁾

29179. All beekeepers shall provide movable frames in the brood area of all hives which they use to contain bees, and shall make provisions so the bees in the hives shall construct combs in the frames in such a way that the combs may be removed from the hives for inspection without damaging other combs in the hives. ⁽⁷⁷⁰²⁾

29180. The inspector shall order the owner or person in charge of any bees which are kept in a box or other unmovable or stationary comb hive to transfer the bees to a movable frame hive within a reasonable time, to be specified in the order. In default of transfer by the owner or person in charge of the bees, the inspector may destroy in a summary manner the hive and its contents. ⁽⁷⁷⁰³⁾

ARTICLE 14. APIARY INSPECTION (29200-29213)

29200. The Legislature finds that in order to ensure the vitality of the apiary industry, to protect the welfare of the people of the State of California, as well as agricultural crops dependent upon bees for pollination, a pest inspection program should be an integral part of the regulatory scheme contained in this division. The Legislature further finds that without a continuing regular inspection program, as further specified in this article, the programs and requirements of law set forth in this division will be impaired. ⁽⁷⁷¹³⁾

29201. (a) The director, or the commissioner, or any inspector acting under their direction, may enter if he or she determines it to be necessary, any location where an apiary is maintained, and make an inspection of the apiary, including ancillary buildings. The inspector may give prior notice of the inspection where the notice would not interfere with the purpose of the inspection. The right of inspection shall occur at reasonable times, and shall not include any dwelling. If the inspector desires entry to any dwelling because he or she suspects maintenance problems regarding a colony, hive, comb, or appliance therein, the inspector, upon request, shall obtain a warrant pursuant to the provisions of Section 1822.50 of the Civil Code and comply with the provisions therein. No person shall interfere with the entry of an inspector in the official course of his or her duty. The inspector shall report the result of the inspection to the beekeeper, where feasible, within five days of the inspection. ⁽⁷⁷¹⁴⁾

(b) If the inspector finds American foulbrood disease has infected more than two hives of 99 colonies or less, or 2 percent or more of colonies of 100 or more, he or she shall make a complete inspection of all the hives in the apiary and the owner of the hives in the apiary shall pay the cost of the complete inspection. If the inspector finds American foulbrood disease has infested less than 2 percent of colonies of 100 or more as the result of an inspection made after the disease was brought to the inspector's attention in writing, the commissioner may assess the costs of the inspection on the person who brought the disease to the inspector's attention. ⁽⁷⁷¹⁵⁾

29204. Every infested apiary is a public nuisance. The owner or person in charge or possession of any apiary, upon finding an infestation to be present, or upon receiving notice an infestation exists in the apiary, shall abate the infestation without undue delay, pursuant to the requirements of law. ⁽⁷⁷¹⁹⁾

29205. The notice may be served upon the person that has possession or that owns the infested apiary, personally or by certified mail to his or her last known address. If the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting it in a conspicuous place in the apiary. ⁽⁷⁷²⁰⁾

29206. If the infestation found in an apiary is American foulbrood, the time specified in the notice shall not be less than 24 hours nor more than 48 hours from the time the notice is served, except that the inspector may extend the time limit if necessary to prevent hardship and it can be done without undue danger of spreading the disease. ⁽⁷⁷²¹⁾

29207. If American foulbrood is found in an apiary, the abatement shall be by killing the bees in the infested colonies and disposing of the hives and their contents, together with any other infested comb, hives, and associated appliances which are found in the apiary, in one of the following ways: ⁽⁷⁷²²⁾

(a) By delivery to a licensed wax salvage plant pursuant to this chapter. ⁽⁷⁷²³⁾

(b) By burning in a manner as set forth in Section 29208, the contents of the diseased colonies, including the bees, comb, and associated frames, together with any other diseased combs, and associated frames, which are found in the apiary in one of the following ways and disinfecting by scorching the hive bodies, covers, bottom boards, supers, and appliances associated with them: ⁽⁷⁷²⁴⁾

(1) Burning in a pit and burying the ashes not less than two feet below the surface of the ground. ⁽⁷⁷²⁵⁾

(2) Burning in an incinerator approved by the director. This section does not prevent federal and state research agencies from securing, transporting, and maintaining infested bees, comb, hives, appliances, or colonies pursuant to Section 29074. ⁽⁷⁷²⁶⁾

ADDITIONAL STATE REGULATIONS

There are sections of the California Apiary Protection Act that deal with honey bottling, Africanized Bees, and other aspects of beekeeping. For full details, see <https://www.cdfa.ca.gov/plant/pollinators/docs/Laws-Bee-Management.pdf>

NEVADA COUNTY LAND USE REGULATIONS

SECTION L-II 3.4 ANIMAL KEEPING AND RAISING

No apiary shall be located within 100' of any other property boundary without the consent of the adjacent parcel's owner.

No beekeeping is allowed in Commercial & Industrial Districts.

For properties zoned RA, R1, R2, or R3, not more than 20 colonies are allowed per acre;

NEVADA COUNTY EMERGENCY REGULATION AS OF JUNE 2019

Exhibit A

ARTICLE 2 BEEKEEPING

Sec. L-XIV 2.1 Definitions

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. Whenever in this Article the term "Commissioner" is used, it shall mean the County Agricultural Commissioner and regularly appointed employees of the County Department of Agriculture acting pursuant to his or her instructions.

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. "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.
- C. "Commissioner" means the Nevada County Agricultural Commissioner or his or her designee, and shall include the meaning assigned to it by Food and Agricultural Code section 29008 as it may be amended from time to time.
- D. "Hobbyist beekeeper" means a person who possesses nine (9) or fewer colonies and is not in the business of beekeeping.
- E. "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.
- F. "Pollination apiary" means an apiary established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Sec. L-XIV 2.2 Apiary Locations- Encroachment, Stocking Limit & Nuisance

A. 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 established and registered Commercial Apiary location, except where:

1. All Commercial Apiary locations within a two-mile radius are being kept or maintained by the same apiary owner; or
2. The proposed location of the encroaching apiary was listed on the beekeepers 2018 Apiary Registration, and the apiary location has been registered by the same beekeeper, or registered transferee, every subsequent year; or
3. Written permission is provided to the Commissioner from the owner of the encroached upon apiary; or
4. The encroaching apiary is a Pollination Apiary

B. Annual Apiary Encroachment Protection Fee. The Nevada County Board of Supervisors shall, by resolution, set an additional fee for each Commercial Apiary Location. The fee shall be paid upon establishment of a Commercial Apiary, and thereafter annually when submitting an Apiary Registration. The fee shall only cover the cost to administer the provisions of this Article. The following are exempt from the Annual Apiary Encroachment Protection Fee:

1. Hobbyist Beekeepers
2. Pollination Apiaries

- C. **Transfer of Encroachment Protection to New Owner.** A Commercial Apiary that is in compliance with the registration and fee requirements of Food and Agriculture Code section 29040 and Section G-IV 16.3 of this Article may be transferred to another party only if the selling party has at least 10 live hives on site, and they are sold or transferred to the transferee. Transferee must present written documentation of the sale and transfer to the Commissioner within 30 days of transfer. The transferee must register the transferred location(s) to his/her name and pay the appropriate registration and location fee(s) for the current calendar year within 30 days of transfer.
- D. **Hive Limit to Prevent Landscape Overstocking During Nectar Flow.** Except for Mating Nucleus apiaries and Pollination Apiaries, no Apiary Location 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. **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 that location as well as protection from encroachment will expire.
- F. **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 approval upon demand of the director or commissioner. The approval shall include the name and phone number of the person granting approval.
- G. **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:
1. There is a natural water supply in existence within a distance of one-half mile from the apiary, but no such natural water supply shall be at a greater distance from the apiary than any artificial water supply maintained by any party who has not consented in writing to the placement of the apiary.
 2. An artificial water supply is maintained within one hundred fifty 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.
- H. **Overly Defensive and Africanized Honey Bees.** No Person shall keep an apiary of overly-defensive or Africanized honey bees.

Sec. L-XIV 2.3 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.

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