

ORDINANCE NO. NS-300.911

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING SECTIONS B29-5, B29-10, B29-12 AND B29-13 OF DIVISION B29 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO BEEKEEPING

Summary

This Ordinance amends Sections B29-5, B29-10, B29-12, and B29-13 of the County of Santa Clara Ordinance Code to address severability, definitions, apiary distances from property lines and public roadways, and maintenance of an adequate water supply.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Section B29-5 of Division B29 of the Ordinance Code of the County Santa Clara relating to “Severability” is hereby amended to read as follows:

Sec. B29-5. Severability.

If any section, subsection, sentence, clause or phrase of this Division is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the Division.

SECTION 2. Section B29-10 of Division B29 of the Ordinance Code of the County Santa Clara relating to “Definitions” is hereby amended to read as follows:

Sec. B29-10. Definitions.

The words and terms used in this chapter shall have the following meanings:

- (a) *Apiary*: Bees, hives and appliances wherever the same are kept, located or found.
- (b) *Bees*: Honey-producing insects of the species *Apis mellifera* including the adults, eggs, larvae, pupae or other immature states thereof, together with

such materials as are deposited into hives by their adults, except honey and rendered beeswax.

- (c) *Flight dispersing barrier*: A device such as a fence, hedge, or wall, which is constructed at a minimum height of six feet from the ground and serves to prevent the apiary from constituting a nuisance to nearby residents or the public.
- (d) *Hives*: Any receptacle or container made or prepared for the use of bees, or a box or similar container of which bees have taken possession.
- (e) *Location*: Any premises upon which an apiary is located.

SECTION 3. Section B29-12 of Division B29 of the Ordinance Code of the County of Santa Clara relating to “Location of apiary” is hereby amended to read as follows:

Sec. B29-12. Location of apiary.

- (a) An apiary containing 1 to 3 colonies shall be placed either: (i) a minimum of 100 feet from all property lines and public roadways; or (ii) 25 feet from all property lines and roadways only if an effective flight dispersing barrier is constructed and maintained.
- (b) An apiary containing 4 to 20 colonies shall be placed a minimum of 100 feet from all property lines and public roadways.
- (c) An apiary containing more than 20 colonies shall be placed a minimum of 300 feet from all property lines and 100 feet from all public roadways.

SECTION 4. Section B29-13 of Division B29 of the Ordinance Code of the County of Santa Clara relating to “Water supply” is hereby amended to read as follows:

Sec. B29-13. Water supply.

Every person maintaining an apiary shall maintain an adequate and accessible supply of fresh water available at all times, including at a reasonable time prior to introducing new colonies. If the location on which the apiary is located does not contain a sufficient natural water supply, the person maintaining the apiary shall provide one or more water containers or water sources. The water supply shall provide landing sites for the bees to

drink without drowning, prevent undue competition, and minimize over-crowding. The water source shall not become stagnant or a mosquito breeding site.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on November 14, 2015 by the following vote:

AYES: Chavez, Cortese, Simitian, Wasserman, Yeager

NOES: None

ABSENT: None

ABSTAIN: None