

ORDINANCE NO. 12084  
(New Series)

JUN 8 1977

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4,  
OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING  
SECTION 44.0365 AND ADDING DIVISION 4, SEC-  
TIONS 44.0401 THROUGH 44.0420 RELATING TO  
REGULATION OF BEEKEEPING.

BE IT ORDAINED, by the Council of The City of San Diego,  
as follows:

Section 1. That Chapter IV, Article 4, of the San Diego  
Municipal Code be and it is hereby amended by repealing the  
following section:

SEC. 44.0365 BEEKEEPING REGULATED--EXCEPTIONS

Section 2. That Chapter IV, Article 4, of the San Diego  
Municipal Code be and it is hereby amended by adding Division  
4, Sections 44.0401 through 44.0420 to read as follows:

ARTICLE 4  
DIVISION 4  
BEEKEEPING

SEC. 44.0401 PURPOSE AND INTENT

It is the purpose and intent of this division to  
provide for the safe and orderly keeping of bees in  
the City of San Diego by establishing certain minimum  
standards for the keeping of bees to protect the public  
health, safety and welfare of the residents of the  
City of San Diego.

SEC. 44.0402 DEFINITIONS

Any word or phrase used in this division and not  
herein defined shall be given the meaning established

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for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code. Whenever in this division the term "Commissioner" is used, it shall mean the San Diego County Agricultural Commissioner and regularly appointed employees of the San Diego County Department of Agriculture.

SEC. 44.0403 PROVISIONS SUPPLEMENT STATE LAWS

This division shall in all respects be construed to supplement and harmonize with the provisions of law of the State of California pertaining to bees and the beekeeping industry.

SEC. 44.0404 COMMISSIONER MAY ENTER PREMISES

The Commissioner is hereby empowered to enter upon any premises where bees are kept, or upon which he has reason to believe that bees are kept, in order to carry into effect the provisions of this division.

SEC. 44.0405 INTERFERENCE WITH COMMISSIONER.

It shall be unlawful for any person to interfere with the official actions of the Commissioner.

SEC. 44.0406 NOTICE OF VIOLATION

Any person who violates any provision of this division may be served with a written notice to cease or remedy such violation by the Commissioner or by any law enforcement officer of the County. Said notice shall require that such person cease or remedy the violation within 48 hours. Any person who fails to cease or remedy the violation within

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said 48 hour period or who causes a similar violation to occur within one (1) year is guilty of a misdemeanor. The notice required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice in a conspicuous place on or near the apiary where the violation occurred. The 48 hour period for which such notice provides shall commence to run from the time on the day such notice is served pursuant to this section.

**SEC. 44.0407 - ABATEMENT OF NUISANCE**

If the Commissioner determines that the violation of any provision of this division constitutes a public nuisance to the extent that the health, safety or welfare of the public is immediately endangered through such violation, the Commissioner may forthwith take such steps to abate such nuisance as are reasonably necessary and proper under the circumstances, provided, however, that the Commissioner shall not cause the destruction of any bees or any apiary unless in his opinion the nuisance cannot otherwise be effectively and timely abated.

**SEC. 44.0408 BEEKEEPING--DISTANCE FROM BUILDINGS**

It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain,

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closer than 25 feet to the property line of adjoining residential property if a house or other building used for residential purposes is located on such property, or closer than 100 feet to any house or other building used for residential purposes other than a house or building used or possessed by such person, or to place or keep more than one beehive in a location which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person. Any person who at the time this division becomes effective maintains any apiary which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person and which is registered with the Commissioner shall be permitted to keep two (2) beehives at such location.

**SEC. 44.0409 BEEKEEPING--DISTANCE FROM ROADS**

It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain within 100 feet of the exterior line of the traveled portion of a public road.

**SEC. 44.0410 BEEKEEPING--PERMISSION OF LANDOWNERS**

It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person without first obtaining the permission so to do of the owner or person lawfully in possession of such land.

SEC. 44.0411 BEEKEEPING--IDENTIFICATION SIGNS

Every person owning an apiary located on premises other than where he resides shall identify such apiary, by a sign prominently displayed on the entrance side of the apiary stating, in black letters not less than one inch in height on a background of contrasting color, the name of the owner or person in possession of the apiary, his address and telephone number, or, if he has no telephone, a statement to that effect.

SEC. 44.0412 BEEKEEPING--TRANSPORTATION

It shall be unlawful for any person to transport hives of bees between sunrise and sunset, or cause the same to be done, unless such bees are confined to the vehicle by which such transportation is accomplished by screen or other equally effective means.

SEC. 44.0413 BEEKEEPING--FIREBREAK

Every person owning, possessing or controlling an apiary shall maintain a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:

(a) Within the 20 foot wide area closest to the apiary, a 10 foot wide area shall be cleared to mineral soil of all combustible material, and all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than six (6) inches above the ground throughout the area of the apiary lying within the inside perimeter of said 10 foot wide area; and

(b) Within the area 30 feet distant from the apiary and lying outside of the outside perimeter of the 10 foot wide area mentioned in subparagraph (a), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground. Subparagraphs (a) and (b) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by Section 44.0417 to enforce this section.

This section shall not apply if the apiary is maintained in a residentially zoned area unless the Fire Department determines that a firebreak is necessary to protect the public safety.

**SEC. 44.0414 BEEKEEPING--FIRE FIGHTING MATERIALS**

The following fire fighting materials shall be maintained, in good working condition, at all times when the apiary is attended by the keeper thereof, sufficiently near the apiary so as immediately to be available in case of fire:

(a) A shovel; and

(b) A fire extinguisher, of either the 2 1/2 gallon water-under-pressure type or the 5 gallon back-pump type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority therefor is first obtained from an officer or agency authorized by Section 44.0417 to enforce this section. A garden hose may be

substituted for a fire extinguisher, provided the hose is connected to a source of water.

SEC. 44.0415 BEEKEEPING--BEE SMOKERS

A bee smoker, herein defined to mean an appliance utilizing smoke or fire in aid of the manipulation or transportation of bees, shall be used, if at all, in accordance with the following regulations:

(a) The bee smoker shall be plugged, while being transported to or from an apiary, with a metal or hardwood plug;

(b) All burning or smoldering substances within the bee smoker shall be completely extinguished with water before being transported to or from the apiary, or the bee smoker containing such substances shall be carried in a container which is securely fastened to the vehicle used for the transportation thereof;

(c) The container shall be used for the transportation of the bee smoker at any time that the bee smoker contains any burning or smoldering substance;

(d) The container shall be metal and shall have a top or cover, made of the same material as the container, which shall be securely fastened in the closed position whenever a bee smoker is being transported.

SEC. 44.0416 BEEKEEPING--WATER SUPPLY FOR BEES

Every person owning, possessing or controlling an apiary shall maintain within ten (10) feet of each apiary a supply of water which shall be equipped with a float valve or similar device which assures an adequate

accessible and usable supply of water for the bees.

SEC. 44.0417 ENFORCEMENT

Any federal, state, district or city officer or agency that is charged with the duties of fire prevention or control is authorized, within the geographical limits of his or its jurisdiction, to enforce Sections 44.0413 through 44.0415 of this division.

SEC. 44.0418 BEEKEEPING--PERMIT REQUIRED

It shall be unlawful for any person to place or keep an apiary upon any property within the City of San Diego without a license issued by the City Treasurer. The fee shall be Three Dollars (\$3) which shall defray, in part, the cost of inspection and enforcement of this division. Such license shall be valid for three (3) years from the date of issuance.

SEC. 44.0419 BEEKEEPING REGULATED--EXCEPTIONS

The provisions of this division shall not apply to any apiary which is located and maintained within a school building or museum for the purpose of study or observation or which is located and maintained within a physician's office or laboratory for the purpose of medical research, medical treatment or scientific purposes.

SEC. 44.0420 VIOLATION

Any person who violates any provision of this division other than Section 44.0412, and who has been served with written notice of such violation in the manner prescribed herein, and who fails or refuses



to comply with such written notice, shall be guilty of a misdemeanor. Every person who violates any provision of Section 44.0412 shall be guilty of a misdemeanor immediately upon such violation.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
for Eugene P. Gordon  
Deputy City Attorney

OCT 4 1978

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1/31/77 REV. 5/13/77 6/6/77  
Or. Dept.: Councilman Hubbard

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

**JUN 8 1977**

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**

Mayor of The City of San Diego, California.

**EDWARD NIELSEN**

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**MAY 25 1977**

**JUN 8 1977**

, and on \_\_\_\_\_.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

**EDWARD NIELSEN**

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

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**OCT 4 1978**

Office of the City Clerk, San Diego, California

Ordinance  
Number

**12084**

**JUN 8 1977**

Adopted

**01138**

ATTORNEYS:

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101

OCT 4 1978

CERTIFICATE OF PUBLICATION

No. 12084

IN THE MATTER OF

REGULATION OF BEEKEEPING

ORDINANCE NO. 12084

(New Series)

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 44.0365 AND ADDING DIVISION 4, SECTIONS 44.0401 THROUGH 44.0420 RELATING TO REGULATION OF BEEKEEPING.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 4, of the San Diego Municipal Code be and it is hereby amended by repealing the following section:

SEC. 44.0365 BEEKEEPING REGULATED - EXCEPTIONS

Section 2. That Chapter IV, Article 4, of the San Diego Municipal Code be and it is hereby amended by adding Division 4, Sections 44.0401 through 44.0420 to read as follows:

ARTICLE 4  
DIVISION 4  
BEEKEEPING

SEC. 44.0401 PURPOSE AND INTENT

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SEC. 44.0402 DEFINITIONS

Any word or phrase used in this division and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code. Whenever in this division the term "Commissioner" is used, it shall mean the San Diego County Agricultural Commissioner and regularly appointed employees of the San Diego County Department of Agriculture.

SEC. 44.0403 PROVISIONS SUPPLEMENT STATE LAWS

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SEC. 44.0406 NOTICE OF VIOLATION

Any person who violates any provision of this division may be served with a written notice to cease or remedy such violation by the Commissioner or by any law enforcement officer of the County. Said notice shall require that such person cease or remedy the violation within 48 hours. Any person who fails to cease or remedy the violation within said 48 hour period or who causes a similar violation to occur within one (1) year is guilty of a misdemeanor. The notice required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice in a conspicuous place on or near the apiary where the violation occurred. The 48 hour period for which such notice provides shall commence to run from the time on the day such notice is served pursuant to this section.

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PATRICIA M. DUTRA

hereby certify

that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 12084

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

June 22, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 24, 1977

*Patricia M. Dutra*  
(Signature)

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35" @ 5.08 = 177.80

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**SEC. 44.0408 BEEKEEPING - DISTANCE FROM BUILDINGS**

It shall be unlawful for any person to place or keep an apiary, or cause or allow an apiary to remain, closer than 25 feet to the property line of adjoining residential property if a house or other building used for residential purposes is located on such property, or closer than 100 feet to any house or other building used for residential purposes other than a house or building used or possessed by such person, or to place or keep more than one beehive in a location which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person. Any person who at the time this division becomes effective maintains any apiary which is between 100 feet and 600 feet from a house or other building used for residential purposes other than a house or building owned or possessed by such person and which is registered with the Commissioner shall be permitted to keep two (2) beehives at such location.

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(b) Within the area 30 feet distant from the apiary and lying outside of the outside perimeter of the 10 foot wide area mentioned in subparagraph (a), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground. Subparagraphs (a) and (b) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by Section 44.0417 to enforce this section.

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(b) All burning or smoldering substances within the bee smoker shall be completely extinguished with water before being transported to or from the apiary, or the bee smoker containing such substances shall be carried in a container which is securely fastened to the vehicle used for the transportation thereof;

(c) The container shall be used for the transportation of the bee smoker at any time that the bee smoker contains any burning or smoldering substance;

(d) The container shall be metal and shall have a top or cover, made of the same material as the container, which shall be securely fastened in the closed position whenever a bee smoker is being transported.

**SEC. 44.0416 BEEKEEPING - WATER SUPPLY FOR BEES**

Every person owning, possessing or controlling an apiary shall maintain within ten (10) feet of each apiary a supply of water which shall be equipped with a float valve or similar device which ensures an adequate accessible and usable supply of water for the bees.

**SEC. 44.0417 ENFORCEMENT**

Any person, officer, district or city officer or agency that is charged with the enforcement of any ordinance or statute is authorized, within the geographical limits of his or its jurisdiction, to enforce Sections 44.0413 through 44.0416 of this division.

**SEC. 44.0418 BEEKEEPING - PERMIT REQUIRED**

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The provisions of this division shall not apply to any apiary which is located and maintained within a school building or museum for the purpose of study or observation or which is located and maintained within a physician's office or laboratory for the purpose of medical research, medical treatment or scientific purposes.

**SEC. 44.0420 VIOLATION**

Any person who violates any provision of this division other than Section 44.0412, and who has been served with written notice of such violation in the manner prescribed herein, and who fails or refuses to comply with such written notice, shall be guilty of a misdemeanor. Every person who violates any provision of Section 44.0412 shall be guilty of a misdemeanor immediately upon such violation.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 25, 1977.

Passed and adopted by the Council of The City of San Diego on June 8,

1977.

**AUTHENTICATED BY:**

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. June 22, 1977.

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**OCT 4 1978**

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