

Article 4: Disease Control — Nuisances

Division 4: Beekeeping

(“Beekeeping” added 6–8–1977 by O–12084 N.S.)

§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.

(“Purpose and Intent” added 6–8–1977 by O–12084 N.S.)

§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.

(“Definitions” added 6–8–1977 by O–12084 N.S.)

§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.

(“Provisions Supplement State Laws” added 6–8–1977 by O–12084 N.S.)

§44.0404 Registration Required

Within 30 days of establishing an apiary the owner of the apiary shall register the apiary with the San Diego County Agricultural Commissioner and shall reregister in January of every year thereafter while in possession of the apiary.

(“Commissioner May Enter Premises” added 6–8–1977 by O–12084 N.S.)

(Retitled to “Registration Required” and amended 2-22-2012 by O-20137 N.S.; effective 3-23-2012.)

§44.0406 Permitted Bee Species

Only docile *Apis mellifera* species (honey bees) shall be permitted by this Division.

(“Notice of Violation” added 6-8-1977 by O-12084 N.S.)

(Retitled to “Permitted Bee Species” and amended 2-22-2012 by O-20137 N.S.; effective 3-23-2012.)

§44.0408 Beekeeping — Locational Requirements

- (a) An apiary consisting of three or more beehives shall be located no closer than 600 feet from a building used as a residence, other than the residence located on the same premises as the beehives, and a minimum of 100 feet from the public right-of-way.
- (b) An apiary consisting of two or fewer beehives may be maintained in accordance with the following:
 - (1) The apiary shall be located outside of all required setbacks as established by Chapter 13, Article 1 of this Code, or fifteen feet from the property line and 20 feet from all public rights-of-way, whichever is greater;
 - (2) A minimum 6-foot tall barrier shall surround the beehive leaving sufficient space to properly maintain the beehive except that the barrier shall not be required when the beehive is elevated at least eight feet above grade;
 - (3) The beehive is not visible from the public right-of-way;
 - (4) The beehive is in a location that is secured from unauthorized access;
 - (5) The opening of the beehive faces the most distant property line;
 - (6) The opening of the beehive faces away from entrances and walkways on the premises to the extent possible while ensuring that the entrance faces the most distant property line;
 - (7) The beehive structure is a pale color; and
 - (8) The beehive is requeened at least once every two years.

(“Beekeeping — Distance from Buildings” added 6-8-1977 by O-12084 N.S.)

(Retitled to “Beekeeping — Locational Requirements” and amended 2-22-2012 by O-20137 N.S.; effective 3-23-2012.)

§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.

(“Beekeeping — Permission of Landowners” added 6–8–1977 by O–12084 N.S.)

§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.

(“Beekeeping — Identification Signs” added 6–8–1977 by O–12084 N.S.)

§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.

(“Beekeeping — Transportation” added 6–8–1977 by O–12084 N.S.)

§44.0413 Beekeeping — Fire Safety

(a) An apiary comprising three or more beehives shall also include a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:

- (1) Within the 10 foot wide area closest to the apiary, all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than six inches above the ground; and
- (2) Within the area 30 feet from the apiary and lying outside of the outside perimeter of the 10 foot wide area in subparagraph (1), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground.
- (3) Subsections (1) and (2) 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 section 44.0413.

- (4) Subsection (a) shall not apply if the apiary is maintained in a residential zone area unless the Fire Department determines that a firebreak is necessary to protect the public safety.
- (b) Every person owning, possessing or controlling an apiary comprising two or fewer beehives shall be required to locate the beehives within Brush management Zone One in accordance with San Diego Municipal Code section 142.0412 (Brush Management).

*(“Beekeeping — Firebreak” added 6-8-1977 by O-12084 N.S.)
 (Retitled to “Beekeeping — Fire Safety“ and amended 2-22-2012 by O-20137 N.S.;
 effective 3-23-2012.)*

§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, 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 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.

*(“Beekeeping — Fire Fighting Materials” added 6-8-1977 by O-12084 N.S.)
 (Amended 2-22-2012 by O-20137 N.S.; effective 3-23-2012.)*

§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.

(“Beekeeping — Bee Smokers” added 6–8–1977 by O–12084 N.S.)

§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.

(“Beekeeping — Water Supply for Bees” added 6–8–1977 by O–12084 N.S.)

§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.

(“Enforcement” added 6–8–1977 by O–12084 N.S.)

§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.

(“Beekeeping Regulated — Exceptions” added 6–8–1977 by O–12084 N.S.)