

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0404; REPEALING SECTION 44.0405; AMENDING SECTION 44.0406; REPEALING SECTION 44.0407; AMENDING SECTION 44.0408; REPEALING SECTION 44.0409; AMENDING SECTIONS 44.0413 AND 44.0414; AND REPEALING SECTIONS 44.0418 AND 44.0420, ALL RELATING TO THE KEEPING OF BEES

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to ease restrictions on the keeping of bees; NOW, THEREFORE,

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

Section 1. That Chapter 4, Article 4, Division 4 of the San Diego Municipal Code is amended by amending section 44.0404, repealing section 44.0405, amending section 44.40406, repealing section 44.0407, amending section 44.0408, repealing section 44.0409, amending sections 44.0413 and 44.0414, and repealing sections 44.0418 and 44.0420 to read as follows:

§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.

§44.0406 Permitted Bee Species

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

§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.

§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).

§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:

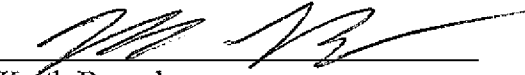
- (a) A shovel; and
- (b) A fire extinguisher, of either the 2 1/2 gallon water-under-pressure type or the 5 gallon back-pump type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority is first obtained from an officer or agency authorized by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

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306033

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor