

ORDINANCE NO. NS-2932

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SANTA ANA MUNICIPAL CODE SECTIONS 5-1 (DEFINITIONS) AND 5-7 (BEES PROHIBITED) TO ALLOW RESIDENTIAL BACKYARD BEEKEEPING

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. The proposed amendments to Section 5-1 and 5-7 of the Santa Ana Municipal Code (SAMC) would allow backyard beekeeping on properties developed with a single-family residence.

B. Bees have been declining in great numbers for decades and threatened with Colony Collapse Disorder (CCD).

C. Honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products.

D. Bees, via pollination, are responsible for 15 to 30 percent of the food eaten by U.S. consumers.

E. Domestic strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed.

F. The City Council, prior to taking action on this ordinance held a duly noticed public hearing on November 7, 2017.

G. The City Council hereby finds that the proposed ordinance amendment to regulate backyard beekeeping shall protect the public health, safety and welfare of the City residents, and is consistent with the Santa Ana General Plan.

Section 2. The proposed ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). The project is exempt from CEQA as it can be seen with certainty that there is no impact on the environment [Section 15061(b) (3)] and a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. Section 5-1 (Definitions) of the SAMC is hereby amended to read as follows:

Sec. 5-1. – Definitions

Unless the particular provisions or the context otherwise requires the definitions and provisions contained in this section shall govern the construction meaning and application of words and phrases used in this chapter.

- (a) *Animal* includes, but not limited to, birds, cats, dogs, fishes, fowl, rabbits, reptiles and nonhuman mammals.
- (b) *Apiary* means the place where bees are kept and maintained, usually in a collection of hives or colonies.
- (c) *Bee* means any stage of the common domestic honey bee, *Apis Mellifera*.
- (d) *Bird* includes, but is not limited to, budgies, canaries, cardinals, cockatiels, cockatoos, doves, finches, lorries, lorikeets, lovebirds, macaws, parakeets, parrots, pigeons, sparrows, toucans and weavers.
- (e) *Commercial kennels* means any lot, building, structure, or premises where more than three (3) dogs over the age of four (4) months are kept or maintained for any purpose, including but not limited to boarding, training, or breeding, exclusive of dental, medical, or surgical care, or for quarantine purposes.
- (f) *Domesticated animal* means any dog, housecat (*felis catus*), livestock, rabbit, poultry or bird.
- (g) *Dog* includes any male, female, or neuter domesticated member of the species *canis familiaris*, but excludes other members of the family *canidae*.
- (h) *Estray* means any animal found running at large upon any land within the city.
- (i) *Fowl* means any larger domestic bird generally used for food and includes, but is not limited to, the chicken, duck, goose and turkey.
- (j) *Hive* means a structure for the housing of a bee colony.
- (k) *Livestock* means animals kept for use on a farm and includes, but is not limited to, any swine, sheep, goat, horse, cattle, equine or bovine animal.
- (l) *Owner* means any person having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or

who permits an animal to remain on or about his premises for thirty (30) consecutive days.

- (m) *Premises* means a parcel of land.
- (n) *Quarantine* means the isolation of any animal within a substantial enclosure to avoid its contact with other animals or unauthorized persons.
- (o) *Running at large* means free of restraint beyond the boundaries of the premises of the owner or custodian.
- (p) *Vaccination* means a protective inoculation against rabies with an anti rabies vaccine recognized and approved by the Orange County Health Department.
- (q) *Vicious animal* means any animal which has bitten or broken the skin of, or in any manner attacked or attempted to attack any person or any animal within the City of Santa Ana.
- (r) *Wild animal* means any animal which is either:
 - (1) Not a domesticated animal, or
 - (2) A vicious animal over which the owner has evidenced a failure to maintain control.
- (s) *Exotic animal* means nonhuman primates and prosimians (such as chimpanzees, monkeys) felids, except domesticated cats; ursids (bears); elephants; crocodilians (such as alligators and crocodiles); ungulates (such as hippopotamus, rhinoceros, giraffes, zebra); and camels. These terms shall apply whether the animal is bred in the wild or captivity. It is not the intent of this definition to include domesticated species such as horses, cows, sheep, or llamas among the animals listed above.
- (t) *Barking dog* means a dog that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for thirty (30) minutes or more in any 24-hour period, or intermittent barking for sixty (60) minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when a dog is teased or provoked.
- (u) *Responsible person* as defined in section 1-21.1(a)(1)-(5) of this Code.

(v) *Enforcement officer* as defined in section 1-21.1(b) of this Code.

Section 4. Section 5-7 (Bees Prohibited) of the SAMC is hereby amended to read as follows:

Sec. 5-7. - Backyard Beekeeping.

The purpose of this section is to authorize backyard beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas. The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and any other noxious insects is prohibited.

Beekeeping is allowed in the General Agricultural (A-1) zoning district subject to the conditions set forth in Section 41-201.5 (k) and on properties developed with a single-family residence subject to the conditions set forth herein.

(a) General Requirements:

- (1) No more than two (2) hives may be maintained on a single-family residential property with 6,000 square feet or less. On lots larger than 6,000 square feet, the number of hives is limited to one (1) hive for every 3,000 square feet of lot area, with a maximum of five (5) hives, whichever is less.
- (2) All bee colonies shall be kept in hives consisting of moveable frames which shall be kept and maintained in sound and usable condition.

(b) Hive Placement Requirements:

- (1) Hives shall be located within the rear yard of a single-family residential lot. A rear yard is a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest main wall of the building.
- (2) Hives shall be located a minimum of twenty (20) feet from public rights-of-way or private streets.
- (3) Hives shall be located a minimum of five (5) feet from interior lots lines; provided, however, that this requirement may be waived in writing subject to the approval of the adjoining property owner(s).

(4) Hives must either be screened so that bees must fly over a six (6) foot barrier, which may be vegetative, before leaving the property, or be placed eight (8) feet above the adjacent ground floor.

(5) Hives must face away from nearest lot lines.

(c) Hive Management Requirements:

(1) Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

(2) A water source for the bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

(3) Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

(d) Nuisance:

Bees or hives shall be considered a public nuisance when any of the following occurs:

(1) Colonies of bees that exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties;

(2) Colonies of bees swarm;

(3) Hives that are abandoned by resident bees or by the owner;

(4) Bees or hives are not kept and/or maintained in conformance with this Section.

(e) Penalties for Violations:


Violation of this section shall be subject to all remedies and enforcement measures authorized by this Code. At the discretion of the issuing enforcement officer, violations may be cited as a misdemeanor or infraction. As an alternative enforcement method, violations of this section may be addressed through the use of an administrative citation as set forth in sections 1-21.1 through 1-21.9 of this Code.

Section 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more

sections, subsections, sentences, clauses, or portions be declared invalid or unconstitutional.

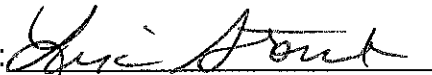
Section 6. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

ADOPTED this 21st day of November, 2017



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: 

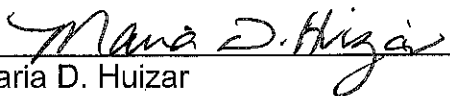
Lisa Storck
Assistant City Attorney

AYES:	Councilmembers	<u>Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2932 to be the original ordinance adopted by the City Council of the City of Santa Ana on November 21, 2017, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 11/29/2017



Maria D. Huizar
Clerk of the Council
City of Santa Ana