

This chapter shall be known as the **Glenn County Beekeeping and Apiaries Ordinance**.

<https://www.countyofglenn.net/govt/county-code/title-7/chapter-300>

#### 07.300.020 Definitions

For the purpose of this chapter, For the purpose of this chapter, the following words, names and terms, shall be construed, unless the context otherwise requires, as provided in this section. Any word or phrase used in this chapter and not defined in this section shall be given the meaning established for such word or phrase by Chapter 1 (commencing with Section 29000) of Division 13 of the Food and Agricultural Code.

- A. "Africanized Honey Bee" means any bee population that is *Apis Mellifera Scullata*, as determined by DNA testing by California Department of Food & Agriculture Laboratory.
  - B. "Commissioner" means the Agricultural Commissioner of Glenn County, or his designated agent.
  - C. "Resident Bees" means bees that have not left the Glenn, Butte, Colusa, Shasta, and Tehama County area for more than a twenty four (24) hour period.
  - D. "Non-resident bees" means bees that have been located outside the Butte, Colusa, Glenn, Shasta, and Tehama county area for more than a 24 hour period.
  - E. "Host" and "possible carriers" mean and include bee colonies, packaged bees and queen bees of the species *Apis Mellifera*, comb, used hives, and any other appliance used in the association with bee colonies, packaged bees and queen bees of the species *Apis Mellifera*.
- (Ord. 1201 § 1, 2008)

#### 07.300.030 Right of Entry

The Commissioner is hereby empowered to enter upon any premises where an apiary is maintained or upon which he has reason to believe that bees are kept in order to carry into effect the provisions of this chapter. Where required by law or otherwise deemed appropriate by the Commissioner, the Commissioner may apply to a court of competent jurisdiction for a warrant authorizing entry upon the premises.

#### 07.300.040 Interference with Commissioner

It shall be a violation of this chapter for any person to interfere with the official actions of the commissioner.

#### 07.300.050 Identification Sign Required

It is unlawful for any person to maintain an apiary on premises other than that of his or her residence without having the apiary identified as follows:

- A. 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 either:
  - 1. The name of the owner or person in possession of the apiary, his or her address and telephone number, or, if he or she has no telephone, a statement to that effect;
- B. The lettering or number shall be printed or stenciled, or equivalent thereto.

#### 07.300.070 Registration of Apiaries

All apiaries located within Glenn County each January 1, or within 30 days thereafter, shall register each with the Glenn County Agricultural Commissioner. A ten dollar (\$10.00) fee is required to cover the cost of registration which

consists of listing the location of each apiary and the number of colonies at each location. Newly acquired apiaries or apiaries brought into Glenn County during any other month of the year that are not registered in another California County shall be required to register and pay the appropriate fee within 30 days of entering the County.

#### 07.300.080 Location of Apiaries

A. No person shall place or keep any apiary or cause or allow any apiary to remain closer than three hundred (300) feet to any house or building used as a dwelling other than a house or building owned or possessed by that person. The restrictions of this subsection are subject to the following exceptions:

1. If the residential use is begun after an apiary is in year-round operation, the three hundred (300) foot limitation shall apply only upon a separate determination by the Agricultural Commissioner that there are bees from such apiary which are entering land, other than where such apiary is situated, in an amount such as to endanger public health or safety, or to create unreasonable interference with the use of property of others.
2. The three hundred (300) foot limitation does not apply if adequate flight dispersing barriers (such as a fence, tree or line of trees or building) are constructed and maintained which, in the judgment of the Agricultural Commissioner, serve to prevent the apiary or apiaries from constituting a nuisance to nearby residents or the public.
3. The three hundred (300) foot limitation does not apply if the person placing or keeping the apiary has written permission from the affected resident waiving the distance requirement.

B. No person shall place or keep any apiary or cause or allow an apiary to remain closer than one hundred (100) feet from the exterior line of the traveled portion of a public road right of way without the prior approval of the Commissioner except for temporary purposes of transporting the same or pollination of a agricultural crop (pollinating apiaries are no longer exempt (30) days after crop bloom is complete). The Commissioner may adopt rules generally permitting placement or keeping of apiaries within one hundred feet from any public right of way, subject to conditions prescribed by the Commissioner, provided that such placement or keeping shall be consistent with generally accepted agricultural practices in Glenn County, as determined by the Commissioner.

C. No person shall maintain an apiary in any manner that prevents or hinders access to the inside of any hive for inspection by an authorized apiary inspector.

D. No apiary shall be maintained in any location whenever there are bees from such apiary which are entering land, other than where such apiary is situated, in an amount such as to endanger public health or safety, or to create unreasonable interference with the use of property of others, as determined by the Commissioner.

E. Any person in possession or control of an apiary shall, within five days after receipt of a written request therefore from the Commissioner, provide to the Commissioner a written list of the number and current locations of all colonies of bees in his or her possession or control within the county.

#### 07.300.090 Availability of Water

No person shall place or keep any apiary or beehive, or cause to allow any apiary or beehive to remain in any location unless one of the following conditions exists:

A. There is a natural water supply in existence within a distance of one (1) mile from the apiary or beehive, but no such natural water supply shall be at a greater distance from the apiary than any artificial water supply maintained by any party who has not consented in writing to the placement of the apiary or hive; or

B. A plentiful supply of fresh water is maintained by the beekeeper adjacent to the apiary or beehive, which water supply shall not be further than fifty (50) yards from any such apiary or beehive.

#### 07.300.100 Transporting Bees

A. No person shall transport bees on the public highway or roads in such a manner that the bees will become a nuisance to the public or create unreasonable interference with the use of property of others.

B. No person transporting bees shall maintain the vehicle used to transports such bees in a stationary position for such a length of time as to create a nuisance to the public or create unreasonable interference with the use of property of others.

#### 07.300.110 Shipping & Arrival

Anyone bringing in shipments of non-resident bees, hosts and possible carriers into the County shall notify the Agricultural Commissioner within forty eight (48) hours upon arrival with the following exception. EXCEPTION: Resident bees from Butte, Colusa, Tehama, and Shasta Counties shall only have to notify the Commissioner each year upon their first movement of apiaries into Glenn County.

#### 07.300.120 Keeping of Africanized Honey Bee

No person shall willingly and knowingly keep an apiary of Africanized honey bees until such time as the Commissioner declares that the keeping of apiaries in the County that are free from Africanized Honey Bee is no longer possible.

#### 07.300.130 Provisions Supplemental Laws

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

#### 07.300.140 Nuisance Declared

Every violation of this chapter is hereby declared to be a public nuisance and shall be subject to abatement in accordance with the provisions of this article.

#### 07.300.150 Abatement by Beekeeper

Any person in possession or control of an apiary may abate the nuisance or cause it to be abated at any time prior to commencement of abatement by or at the direction of the Commissioner. Abatement shall consist of relocation or destruction of the apiary as determined by the Commissioner.

#### 07.300.160 Notice to Abatement Bee Nuisance

Whenever the Commissioner determines that a nuisance as described in section 7.30.140 exists in any location within the unincorporated area of Glenn County, he or she is authorized to notify the person(s) in possession or control of the apiary and the owner(s) and/or occupant(s) of the location premises through issuance of a "Notice to Abate Bee Nuisance."

#### 07.300.170 Contents of Notice

The Notice set forth in section 7.30.160 shall be in writing and shall:

A. Identify the person(s) in possession or control of the apiary, if known, or if reasonably identifiable by inspection of the apiary.

B. Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.

C. Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.

D. Identify such property by reference to the assessor's parcel number.

E. Contain a statement that a violation of this chapter exists and that it has been determined by the Commissioner to be a public nuisance described in this chapter.

F. Describe the nuisance that exists and the actions required to abate it.

G. Contain a statement that the person(s) in possession or control of the apiary is required to abate the nuisance within fourteen (14) calendar days after the date that said Notice was served.

H. Contain a statement that the person(s) in possession or control of the apiary, or the owner or occupant of the location premises, may, within ten (10) calendar days after the date that said Notice was served, make a request in writing to the Clerk of the Board of Supervisors for a hearing to appeal the determination of the Commissioner that the conditions existing constitute a public nuisance or to show other cause why those conditions should not be abated in accordance with the provisions of this chapter.

I. Contain a statement that unless the person(s) in possession or control of the apiary or the owner or occupant of the location premises abates the nuisance or requests a hearing before the Board of Supervisors within the time prescribed in the Notice, the Commissioner will abate the nuisance. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real property or be placed on the unsecured tax roll.

#### 07.300.180 Service of Notice

A. The Notice set forth in section 7.30.160 shall be served by delivering it personally to the person(s) in possession or control of the apiary and the owner(s) and occupant(s) of the location premises or by mailing it by regular United States mail, together with a certificate of mailing, to the person(s) in possession or control of the apiary, if ascertainable from the records of the Commissioner, and to the occupant of the property at the address thereof, and to any non-occupying owner at his or her address as it appears on the last equalized assessment roll, except that:

1. If the records of the county assessor show that the ownership has changed since the last equalized assessment roll was completed, the Notice shall also be mailed to the new owner at his or her address as it appears in said records.
2. In the event that, after reasonable effort, the Commissioner is unable to serve the Notice as set forth in this section, service shall be accomplished by posting a copy of the Notice on the real property upon which the nuisance exists as follows: Copies of the Notice shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two (2) copies of the Order be posted on a property pursuant to this section.

B. The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable.

#### 07.300.190 Administrative Review

A. Any person upon whom a Notice to Abate Bee Nuisance has been served may appeal the determination of the Commissioner that the conditions set forth in the Notice constitute a public nuisance to the Board of Supervisors, or may show cause before the Board of Supervisors why those conditions should not be abated in accordance with the provisions of this Chapter. Any such administrative review shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within ten (10) calendar days after the date that said Notice was served. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed

written request that complies fully with the requirements of this Section, the findings of the Commissioner contained in the Notice shall become final and conclusive on the eleventh day following service of the Notice.

B. Upon timely receipt of a written request for hearing which complies with the requirements of this Section, the Clerk of the Board of Supervisors shall set a hearing date not less than seven (7) days or more than thirty (30) days from the date the request was filed. The Clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the Notice was served, and to the Commissioner.

C. Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The Board of Supervisors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

D. The Board of Supervisors may continue the administrative hearing from time to time.

E. The Board of Supervisors shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the Notice to Abate Bee Nuisance. The Board of Supervisors shall issue a written decision in the form of a resolution which shall include findings relating to the existence or nonexistence of the alleged nuisance as well as findings concerning the propriety and means of abatement of the conditions set forth in the Notice. Such decision shall be mailed to or personally served upon the party requesting the hearing, any other parties upon whom the Notice was served, and the Commissioner.

F. The decision of the Board of Supervisors shall be final and conclusive.

#### 07.300.200 Summary Abatement

Notwithstanding any other provision of this chapter, when any nuisance described in Section 7.30.140 constitutes an immediate threat to public health or safety, and when the procedures set forth in Sections 7.30.160 through 7.30.190 would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Commissioner may direct any officer or employee of the County to summarily abate the nuisance. The Commissioner shall make reasonable efforts to notify the persons identified in Section 7.30.160, but the formal notice and hearing procedures set forth in Sections 7.30.170 through 7.30.190 shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in this chapter.

#### 07.300.210 Enforcement of Abatement Order

A. Whenever the Commissioner becomes aware that an owner or occupant has failed to abate any nuisance within fourteen (14) days of the date of service of the Notice to Abate Bee Nuisance, unless timely appealed, or of the date of the decision of the Board of Supervisors requiring such abatement, the enforcing officer may take one or more of the following actions:

1. Enter upon the property and abate the nuisance by County personnel or by private contractor under the direction of the enforcing officer. The Commissioner may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the Board of Supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California;
2. Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance; and/or
3. Refer the matter to the District Attorney for misdemeanor prosecution under Section 7.30.320.

#### 07.300.220 Liability for Costs

A. In any abatement action taken by the County pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the nuisance to exist shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this Chapter.

B. In any action by the Commissioner to abate a nuisance under this Chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorney's fees under this subdivision shall be limited to those actions or proceedings in which the County elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.

C. The costs set forth in this Section shall be a personal obligation of each person who causes, permits, suffers, or maintains the nuisance, jointly and severally with all other such persons, and may also be collected by special assessment and lien, as set forth in Sections 7.30.170 and 7.30.270.

#### 07.300.230 Accounting

The Commissioner shall keep an account of the cost of every abatement carried out and shall render a report in writing, itemized by parcel, to the Board of Supervisors showing the cost of abatement and the administrative costs for each parcel.

#### 07.300.240 Notice of Hearing on Accounting: Waiver by Payment

Upon receipt of the account of the Commissioner, the Clerk of the Board of Supervisors shall deposit a copy of the account pertaining to the property of each owner in the mail addressed to the owner and include therewith a notice informing the owner that, at a date and time not less than five (5) business days after the date of mailing of the notice, the Board of Supervisors will meet to review the account and that the owner may appear at said time and be heard. The owner may waive the hearing on the accounting by paying the cost of abatement and the cost of administration to the enforcing officer prior to the time set for the hearing by the Board of Supervisors. Unless otherwise expressly stated by the owner, payment of the cost of abatement and the cost of administration prior to said hearing shall be deemed a waiver of the right thereto and an admission that said accounting is accurate and reasonable.

#### 07.300.250 Hearing on Accounting

A. At the time fixed, the Board of Supervisors shall meet to review the report of the Commissioner. An owner may appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance upon the land of the owner is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed.

B. The report of the enforcing officer shall be admitted into evidence. The owner shall bear the burden of proving that the accounting is not accurate and reasonable.

C. The Board of Supervisors shall also determine whether or not the owner consented to the presence of the apiary determined to constitute a nuisance. If it is determined at the hearing that the apiary was placed on the premises without the consent of the owner of such premises and that he has not subsequently acquiesced in its presence, costs for the abatement shall not be assessed against such premises or otherwise attempted to be collected from the owner of such premises.

#### 07.300.260 Modifications

The Board of Supervisors shall make such modifications in the accounting as it deems necessary and thereafter shall confirm the report by resolution.

#### 07.300.270 Special Assessment & Lien

The Board of Supervisors may order that the cost of abating nuisances pursuant to this Chapter and the administrative costs as confirmed by the Board be placed upon the County tax roll by the County Auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to section 25845 of the Government Code; provided, however, that the cost of abatement and the cost of administration as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The Board of Supervisors may also cause notices of the abatement lien to be recorded against the respective parcels of real property pursuant to section 25845 of the Government Code.

#### 07.300.280 Administrative Penalties

A. In addition to any other remedy or penalty prescribed in this chapter, each violation of this chapter may be subject to an administrative penalty of up to \$100.00 per day for each hive causing or contributing to the violation. The administrative penalty may be imposed via the administrative process set forth in this section, as provided in Government Code section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

B. In the case of a continuing violation, if the violation does not create an immediate danger to health or safety, the Commissioner or the court shall provide for a reasonable period of time, not to exceed three (3) days, for the person responsible for the violation to correct or otherwise remedy the violation prior to the imposition of administrative penalties.

C. In determining the amount of the administrative penalty, the Commissioner or the court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.

D. The Commissioner may commence the administrative process by issuance of a Notice of Proposed Administrative Penalty, which shall state the amount of the proposed administrative penalty and the reasons therefore. The Notice shall inform the recipient of their right to request a hearing before the Board of Supervisors in accordance with this section. If such a hearing is not requested within thirty (30) days after issuance of the Notice, the proposed penalty shall become final and conclusive and the person to whom the Notice was issued shall immediately make payment of the penalty amount to the County.

E. If the person to whom the Notice is issued requests a hearing before the Board of Supervisors, the person shall be notified by certified mail when the matter has been set for hearing. After the hearing, the Board of Supervisors may impose, modify, or disapprove, in whole or in part, by its own order, the proposed penalty set forth in the Notice. Any order of the Board of Supervisors shall become effective upon issuance thereof and shall be served by certified mail upon the appellant. Payment of an administrative penalty specified in the Board of Supervisors' order shall be made to the County within thirty (30) days of service of the order.

F. In addition to any other remedy, the County may prosecute a civil action through the Office of the County Counsel to collect any administrative penalty imposed pursuant to this Section.

#### 07.300.290 No Duty to Enforce

Nothing in this Chapter shall be construed as imposing on the Commissioner or the County of Glenn any duty to issue a Notice to Abate Bee Nuisance, nor to abate any nuisance, nor to take any other action with regard to any nuisance, and neither the Commissioner nor the County of Glenn shall be held liable for failure to issue an order to abate a nuisance, nor for failure to abate any nuisance, nor for failure to take any other action with regard to any nuisance.

#### 07.300.300 Remedies Cumulative

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided by law.

#### 07.300.310 Severability

If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

#### 07.300.320 Violation of Specified Provisions - Punishment

Any violation of Chapter 7.30 of this title is a misdemeanor punishable as provided by law.