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## SALT LAKE CITY COUNCIL MEMORANDUM

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**Date:** November 4, 2009

**Subject:** Proposed Ordinance amending Section 8.04.010, definitions, Salt Lake City Code, to add definitions related to beekeeping and enacting Chapter 8.10, beekeeping, Salt Lake City Code, to authorize beekeeping subject to certain regulations.

**Affected Council Districts:** City-wide

**Staff Report By:** Quin Card

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The intent of the proposed ordinance is to authorize beekeeping throughout Salt Lake City subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

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### **NEW INFORMATION:**

This report was printed and distributed prior to the Council Public Hearing on Thursday, November 5<sup>th</sup>. If Council Staff receives any comments on November 5<sup>th</sup>, or any follow-up questions or direction from Council Members, staff will provide it in advance of the Council's next work session discussion, scheduled for November 10<sup>th</sup>.

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### **MOTIONS:**

1. ["I move that the Council"] Refer action to a future Council meeting.
2. ["I move that the Council"] Adopt an ordinance amending City Code, Section 8.04.010 – Definitions and enacting Chapter 8.10 Beekeeping, to authorize beekeeping subject to certain regulations.
3. ["I move that the Council"] Not adopt an ordinance amending City Code, Section 8.04.010 – Definitions and enacting Chapter 8.10 Beekeeping, to authorize beekeeping subject to certain regulations.

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The following information was provided previously for the Council Work Session on October 6, 2009. It is provided again for background purposes.

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## **KEY ELEMENTS:**

The following bullet points outline regulations being proposed in this amendment:

### **1) Hives on Residential Lots**

- No more than five stacks of five hive boxes will be permitted in the rear yard of any residential lot.
- On residential lots larger than one-half acre (21,780 square feet) or larger, the number may be increased to 10 stacks of five hive boxes.
- A person may not place hives on property owned by another individual without first obtaining written permission.
- Hives must be placed at least five feet from any property line and at least six inches above the ground. (This requirement may be waived in writing by the adjoining property owner.)
- Hives shall be placed on property so the general flight pattern of bees is in a direction which will limit bee contact with humans and domesticated animals on adjacent properties or areas of public access.
  - If a hive is within twenty-five feet from an adjacent property or public access area as measured from the nearest point on the hive to the property line, a flyway barrier of at least six feet in height must be maintained. When adjacent to a property line, the barrier shall consist of a solid wall, fence, dense vegetation, or a combination thereof, parallel to the property line which extends at least ten feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the apiary.
- A water source must be available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighborhood property.

### **2) Hive Maintenance**

- Hives must have removable frames which are kept in sound and usable condition.
- The African species of bees or any hybrid involving the African species is prohibited.
- Hives must be operated and maintained in accordance with the Utah Bee Inspection Act.
- Hives must be conspicuously marked with the owner's name, address, telephone number and state registration number.
- If there is a conflict between Salt Lake City's ordinance and the regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations will apply.

- Beekeepers shall ensure that no bee comb or other beekeeping equipment is left on the grounds of any apiary site. Upon removal from the hive, all supplies should be promptly disposed of or placed in a sealed container or within a building or other bee-proof enclosure.

### 3) **Beekeeper Registration**

- Beekeepers will be required to register with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

### 4) **Permits and Fees**

- Beekeepers will be required to pay the beekeeper license fee to the State which is a minimum of \$10 per year, and increases based on the number of hives being kept.

## **POLICY ISSUES – ISSUES FOR COUNCIL CONSIDERATION:**

The following are items that the Council may wish to consider further or discuss with respect to the proposed beekeeping ordinance.

- 1) **Number of hives** – The number of five hives being allowed on a property was suggested as a maximum number allowed because of the need for beekeepers to consolidate hives at the end of the year, in case of weak colonies. The combining of weak colonies can better ensure the bees survival through the winter.
- 2) **Ordinance Enforcement** - The bullet points are options the Council may wish to consider regarding enforcement of the beekeeping ordinance.
  - County Animal Control indicated their officers are not trained in bee enforcement; therefore it is their opinion Animal Control is not the appropriate agency to enforce the ordinance.
  - The Council may wish to inquire of the Administration what department would be best suited to enforce the ordinance.
  - Salt Lake County has contracted a County Bee Inspector to inspect hives on a complaint basis. The same service could be available to the City to enforce the ordinance. The County Bee Inspector charges the County \$75 per visit, and will not exceed \$5,000 per year (66 visits). The Council may wish to discuss this item in context with the next budget amendment, as currently no funds are allocated for this purpose. The Council may also wish staff to further research possible contracting options for enforcement.
- 3) **City Hive** – Council Member Martin has suggested that it may be interesting to have a “City hive” since Salt Lake City is the capital of the “Beehive State”. The hive could be included as part of the historical tours of the City & County Building. A Salt Lake City resident has indicated that he would be willing to donate his time to maintain a hive for the City. Possible locations where a City hive could be placed are

the roof of the City's Main Library or the west balcony of the City & County Building. The Council may wish to discuss this option. The Council may also wish to discuss how maintenance would be funded if it is not possible to guarantee volunteer time.

- 4) **Agricultural Zones** – Prior to 1995 beekeeping was a permitted use in Agricultural zones. The Council may wish to consider amending the permitted uses in Agricultural zones to allow beekeeping once again.

cc: David Everitt, Karen Hale, Lyn Creswell, Ed Rutan, Lynn Pace, Frank Gray, Mary De La Mare-Schafer, Rick Graham, Jennifer Bruno, City Council Liaisons, Mayors Liaisons

File Location – I:, Quin, Beekeeping, Beekeeping Staff Report 10.7.2009

**From:** Pace, Lynn

**Sent:** Tuesday, November 03, 2009 4:07 PM

**To:** Card, Quin; Bruno, Jennifer

**Cc:** Sommerkorn, Wilford

**Subject:** RE: Notification of SLC Council public hearing, Thurs., Nov. 5 at 7 pm re: proposed beekeeping ordinance

I forwarded a copy of the City's proposed beekeeping ordinance to Craig Hall, a municipal attorney, who has also been a beekeeper for about 20 years. He shared with me the following comments on the City's proposed ordinance. I am passing them along to your for the Council's consideration.

1. As drafted the ordinance would allow 5 hives in the rear yard of any residential area. 5 hives would be about 50,000 bees, which he says would be far too many for most residential areas. On a half acre lot, the ordinance would allow 10 hives (approx 100,000 bees), which he says is also way too many.
2. Bees will travel  $\frac{1}{2}$  to 1 mile to find pollen. In an urban area, there will simply be inadequate sources of pollen to sustain that many bees.
3. The proposed 5 foot setback from the property line is too small to avoid conflict with the neighbors.
4. He would not recommend allowing bees at all on lots smaller than about  $\frac{1}{3}$  acre because there will simply be no way to avoid problems between the bees and the people.
5. On lots of  $\frac{1}{3}$  acre or larger, he would suggest limiting the number of hives to a maximum of 2 (unless they are in an agricultural area like the northwest quadrant).

If you have any questions about any of this information, Craig's phone number is 801-536-1414.

Thanks. LHP

Date Submitted	list	name	surname	address	email	comments
Comments pulled for 11/03/09 update						
11/2/2009 18:47	Proposed Beekeeping Ordinance	Jessica	Sims	3017 S 400 W	jessica.r.sims@gmail.com	My family has hosted a hive since April 2009 in the backyard of our home. We wanted to increase the production in our backyard garden and fruit trees. We have loved having the beehive in our yard and watching the bees as they work pollinating. It has provided opportunities to educate and to dispel myths about bees to our family, friends and neighbors and no one was harmed in anyway as a result of us having a hive in our yard. It is a pleasure to observe "our" bees and to eat the fruit, vegetables and honey they produce. Please allow others to have same hosting opportunities that we've enjoyed. I would be happy to answer any further questions if you have any. Sincerely, Jessica Sims
11/2/2009 10:44	Proposed Beekeeping Ordinance	Carrie	Black	185E Sunset Ave	cl2gwsrwcia@sysmatrix.net	I am definitely in favor of beekeeping in the urban environment. We have hosted bees before. The bees were never aggressive even around my four boys and they are fabulous pollinators.
11/2/2009 8:36	Proposed Beekeeping Ordinance	Linda	Townes	3241 E Louise Avenue	linda.townes@gmail.com	I have really enjoyed having bees in my yard, and we have experienced zero problems. We even have a next-door-neighbor who is deathly allergic to bees, and she even supports the program. I urge you to keep the beehive-hosting program available to those who want it, and allow backyard beekeepers the opportunity to do some good for the environment. It's a great way to help out the bee colonies and an excellent backyard hobby.
11/1/2009 7:48	Proposed Beekeeping Ordinance	Erick	Allen	9002 Bordeaux Way	erick_allen@msn.com	Our family hosted a bee hive this past season. It has been very rewarding and educational for us and our children. We have also benefited from the pure, very high quality honey and comb, while getting to learn and experience a part of our natural world that we would otherwise be insulated from. Our contribution to urban bee keeping is important since honey bees are at great risk in traditional agricultural applications. In many respects our future depends on our ability to bring our food sources closer to home, (i.e. Farmer's Market and the Buy Local initiatives Salt Lake City purports to support). My vegetable and fruit garden was exceptionally productive this year in large part due to the bees. Finally, I am allergic to bees, but have not had a single incident. Frankly, I am at more risk from all the bumblebees, wasps and hornets than I am the honey bee. The bees are now an important part of our home and my children have become stewards in their own right for a healthy ecosystem, one that includes human intrusion. Thank you for taking the time to read this. Erick Allen
10/31/2009 19:55	Proposed Beekeeping Ordinance	Annette	Hansen	1254 E 300 S	hansenhives@gmail.com	I'm a beekeeper with hives in SLC. I have a few concerns about the proposed ordinance on beekeeping. Line 72 which states a hive must be five (5) feet from an adjoining property line... This amount of space is NOT necessary, especially if the hive faces away from the property line. I suggest it be reduced to three (3) feet AND if a fence or thick vegetation runs along the property line, that the requirement only be one (1) foot. We have multiple hives (in SLC and elsewhere in the valley) that currently sit directly next to a property line and it is NOT an issue. Line 72: how is 6 inches in height measured? To the exact bottom of the hive? To the hive entrance? Please define. Lines 81-88 which states a "wall" must exist to keep bees from crossing paths with people... I think this section of the ordinance is NOT well written, and seems to contradict Line 72 discussed above. Additionally, the "wall" requirements suggested are too much! What home/landowner is going to pay for a wall twenty (20) feet long that's six (6) feet high? Especially if the property value or aesthetic depreciates because of it? It's a fact that honeybees take a path of least resistance; I suggest the distance be reduced to within fifteen (15) feet of a public right-of-way and/or public access. Bees fly "up and away as they leave the hive. Once they are fifteen [15] feet from the hive, they're above head level" sites the book "Beekeeping for Dummies." Dense vegetation of height (sunflowers or bamboo) could be placed directly around any hive(s) to encourage bees upwards and hide the hive(s) from public view. The ordinance, in addressing a public right-of-way and/or public access, should state that the "wall" be established either directly around the hive or parallel to the public right-of-way and/or public access, if the latter, it must be six (6) feet in height. Six (6) feet should not be required if directly next to the hive. The ordinance should NOT dictate nor impose a length for the "wall." Thank You

Date Submitted	list	name	surname	address	email	comments
10/30/2009 14:43	Proposed Beekeeping Ordinance	Greg	Mikolash	1433 E. Hollywood Ave.	szygym@msn.com	Growing up as I child my grandfather and my father kept bees (in urban areas). I claim the hobby as a huge benefit to not only urban gardens but to my growing up as a well rounded adult (i.e., bees working habits can teach humans quite a bit about labor, working hard ...etc.) In fact, isn't a bee hive our state emblem? And the honey bee the state insect? And the state motto - industry? No insect is more industrious nor a harder worker than a honey bee. With the increasing threat of CCD (Colony Collapse Disorder) there have been fairly significant population declines of the honey bee. This is very evident in my own garden. As a child I recall gardens that supplied an over-abundance of fruit/veggies and the honey bees were always present. This is not the case today in my own garden. I would like to see that change. In conclusion, I would like to see the allowance for a small number of honeybee hives on urban lots within the city limits just as is being proposed in the ordinance. Knowing how bee overcrowding can lead to swarms, I do not see a problem with the proposed ordinance allowing for 5 stacks of 5 hives. Honestly, if you have more than that, bee keeping is more than a hobby. I like the way the ordinance reads. Thank you.
Comments pulled for 10/30/09 update						
10/23/2009 10:41		Sherrie	Kimball	1584 E Laird AV	sher1dakota@yahoo.com	I am in favor of the proposed Bee Keeping Ordinance as written.
10/20/2009 12:59		Jilene	Whitby	846 W. 400 N.	jwhitby@utah.gov	I disagree with the restriction on the number of boxes per hive and the distance from anothers property boundary. It is important to place a hive where it has protection on two sides and faces south. One side for me is a garage wall and another a 6 foot wooden fence between me and my neighbor. I doubt they even know there is a hive on the other side. The bee's flight pattern is pretty much straight up and down from the door of the hive. I have had dinners in my back yard where chairs have been set up 4 feet from the hive. The people who set there have not even noticed the bees or mentioned them. Honey bees are not interested in what people eat and so don't bother people with food in hand or the table on which it is placed. Wasp and yellow jackets do, but not the honey bee. And to limit the height of the hive is to say to the bees, "Stop producing." You can't split the hive without a queen bee and to fail to put an empty super or box on top of one that is filled with honey is an invitation to the bees to swarm. You Cannot control nature by ordinance. These bees are the seetest of creatures and are concerned only about the work at hand. If you want to come and see a hive in action, you are welcome to visit mine and talk with my neighbors about their concerns or thoughts about them.
10/19/2009 22:34		Jennifer	Owens	1233 South Redwood Drive	j0w3ns@gmail.com	I fully support the proposal to allow beekeeping with permits within the city. Bees are vital to our vegetable and flower gardens and promote biodiversity. Thank you for considering this proposal.
10/15/2009 11:43		Amy	Collins	437 E. Harrison Avenue	amy@glencanyon.org	I'm writing to comment on the newly proposed bee ordinance. Bees play a critical role in the success of everything we grow -- and they are dying by the billions. We need to do all we can to encourage neighborhood urban bee keeping in order help the bees survive. Most lots in Salt Lake on the smaller side and home owners,like me, need to unitize their side yards. Please allow bee hives to be placed on side yards (with the permission the neighbor whose yard it abuts). Thank you for your consideration.

1 (LEGISLATIVE COPY)

2 SALT LAKE CITY ORDINANCE

3 No. \_\_\_ of 2009

4  
5 (Amending Section 8.04.010 to Add Definitions Related to Beekeeping and Enacting  
6 Chapter 8.10 to Establish Beekeeping Regulations)

7  
8 An Ordinance Amending Section 8.04.010, *Salt Lake City Code*, to add definitions  
9 related to beekeeping and enacting Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping  
10 subject to certain regulations.

11 WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden  
12 pollination services and by furnishing honey, wax, and other useful products; and

13 WHEREAS, bees, via pollination, are responsible for 15 to 30 percent of the food eaten  
14 by U.S. consumers, and

15 WHEREAS, in the last 50 years the domesticated honeybee population, on which most  
16 farmers depend for pollination, has declined by about 50 percent, and

17 WHEREAS, Salt Lake City allowed apiaries in agriculturally zoned areas until the 1980s  
18 when concerns about killer bees led to the prohibition of apiaries in the City, and

19 WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits,  
20 including gentleness, honey production, reduced swarming, pollination attributes, and other  
21 characteristics which are desirable to foster and maintain; and

22 WHEREAS, gentle strains of honeybees can be maintained within populated areas in  
23 without causing a nuisance if properly located, managed, and maintained, and

24 WHEREAS, the City Council of Salt Lake City, Utah, (i) desires to amend Section  
25 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and to enact Chapter  
26 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations as set forth

27 below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the  
28 citizens of Salt Lake City.

29 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

30 SECTION 1. **Amending Section 8.04.010.** That Section 8.04.010 of the *Salt Lake City*  
31 *Code*, shall be, and hereby is, amended to include definitions of "Apiary," "Beekeeper,"  
32 "Beekeeping Equipment," "Colony," "Hive," and "Honeybee" which shall be inserted in  
33 alphabetical order and shall read as follows:

34 APIARY: Any place where one (1) or more colonies of bees are located.

35 APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to  
36 handle or manipulate bees, honey, wax, or hives.

37 BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

38 BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive  
39 bodies, supers, frames, top and bottom boards, and extractors.

40 COLONY: Bees in any hive including queens, workers, or drones.

41 HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural  
42 receptacle which may be used to house bees.

43 HONEYBEE: The common honeybee, *Apis mellifera* species, at any stage of  
44 development, but not including the African honeybee, *Apis mellifera scutellata* species, or any  
45 hybrid thereof.

46 SECTION 2. **Enacting Chapter 8.10.** That Chapter 8.10 of the *Salt Lake City Code* shall  
47 be, and hereby is, enacted to authorize beekeeping subject to certain regulations, as follows:

48 Chapter 8.10

BEEKEEPING

49

50 8.10.010: PURPOSE:

51 The purpose of this chapter is to authorize beekeeping subject to certain requirements  
52 intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

53 8.10.020: CERTAIN CONDUCT UNLAWFUL:

54 Notwithstanding compliance with the various requirements of this chapter, it shall be  
55 unlawful for any person to maintain an apiary or to keep any colony on any property in a manner  
56 that threatens public health or safety, or creates a nuisance.

57 8.10.030: HIVES ON RESIDENTIAL LOTS:

58 A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A  
59 of this code, an apiary, consisting of not more than five (5) stacks of five (5) hives or an  
60 equivalent capacity, may be maintained in the rear yard of any residential lot. On a residential lot  
61 which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be  
62 increased to ten stacks of five (5) hives.

63 B. A person shall not locate or allow a hive on property owned or occupied by another  
64 person without first obtaining written permission from the owner or occupant.

65 8.10.040: BEEKEEPER REGISTRATION:

66 Each beekeeper shall be registered with the Utah Department of Agriculture and Food as  
67 provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as  
68 amended.

69 8.10.050: HIVES:

70           A. Honeybee colonies shall be kept in hives with removable frames which shall be kept  
71 in sound and usable condition.

72           B. Hives shall be placed at least five (5) feet from any property line and six (6) inches  
73 above the ground; provided, however, that this requirement may be waived in writing by the  
74 adjoining property owner.

75           C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

76           D. Each hive shall be conspicuously marked with the owner's name, address, telephone  
77 number, and state registration number.

78 8.10.060: FLYWAYS:

79           A hive shall be placed on property so the general flight pattern of bees is in a direction  
80 that will deter bee contact with humans and domesticated animals on adjacent property or areas  
81 of public access. If a hive is located within twenty-five (25) feet from an area which provides  
82 public access or from a property line on the lot where an apiary is located, as measured from the  
83 nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall  
84 be established and maintained. When adjacent to a property line, the flyway shall consist of a  
85 solid wall, fence, dense vegetation, or a combination thereof, parallel to the property line which  
86 extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an  
87 elevation of at least six (6) feet above ground level over property lines in the vicinity of the  
88 apiary.

89 8.10.070: WATER:

90 Each beekeeper shall ensure that a convenient source of water is available to the colony  
91 continuously between March 1 and October 31 of each year. The water shall be in a location that  
92 minimizes any nuisance created by bees seeking water on neighboring property.

93 8.10.080: BEEKEEPING EQUIPMENT:

94 Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon  
95 the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be  
96 disposed of in a sealed container or placed within a building or other bee-proof enclosure.

97 8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

98 In the event of a conflict between any regulation set forth in this chapter and honeybee  
99 management regulations adopted by the Salt Lake Valley Health Department, the most restrictive  
100 regulations shall apply.

101 8.10.100: VIOLATIONS:

102 A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04 510,  
103 and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not  
104 charged in conjunction with another criminal offense and does not constitute a fourth or  
105 succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the  
106 City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

107 SECTION 3. **Effective Date:** This Ordinance shall become effective on the date of its  
108 first publication.

109 Passed by the City Council of Salt Lake City, Utah this \_\_\_ day of \_\_\_\_\_,  
110 2009.

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CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

Published: \_\_\_\_\_