

**ORDINANCE O2014-3**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADDING A NEW SUBSECTION 17.52.055 TO CHAPTER 17.52 AND AMENDING SUBSECTIONS 17.06.030, 17.08.020, 17.10.020, 17.12.020, 17.14.020, 17.16.020, 17.18.020, 17.20.020, 17.28.030, 17.30.040, AND 17.52.050 OF THE NAPA MUNICIPAL CODE RELATING TO THE KEEPING OF BEES**

**WHEREAS, the Local Food Advisory Council was appointed by the Napa County Board of Supervisors to advise the Agricultural Commissioner regarding, among other things, ways that County and City regulations and policies can be amended to encourage local food production; and**

**WHEREAS, the ad hoc committee of the Local Food Advisory Council charged with reviewing local policies has consulted with beekeepers in Napa County regarding state of the art beekeeping ordinances and best practices; and**

**WHEREAS, the Napa County Beekeeper's Association maintains a list of best practices and helps to educate local beekeepers about these practices and to help resolve neighbor complaints when they arise; and**

**WHEREAS, the Agricultural Commissioner has received input from local beekeepers, the ad hoc committee, and the Local Food Advisory Council, and recommends revisions to local agency regulations in Napa County relating to beekeeping regulations; and**

**WHEREAS, a new beekeeping ordinance for unincorporated Napa County was adopted to serve as a model for incorporated jurisdictions in the County, such as the City of Napa; and**

**WHEREAS, the City Council of the City of Napa finds it is in the public interest to regulate beekeeping in such a way that beekeeping is encouraged in recognition of the shrinking honeybee habitat and population and to engender environmental sustainability for honeybee populations without becoming a public nuisance and to amend the City's existing regulations to incorporate elements of the County model and require that apiaries be operated and maintained in accordance with recognized best local practices; and**

**WHEREAS, the City Council has determined this project is exempt from the California Environmental Quality Act (CEQA), as provided by Section 15061(b)(3) of the CEQA Guidelines. This section advises that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen**

with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff and recommendations by the Planning Commission, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1: Amendment.** Napa Municipal Code Subsection 17.06.030 is hereby amended to add "Agricultural cultivation", "Agricultural animal keeping", "Apiary", "Bee colony", "Beehive", "Bees," "Honey Bees" and "Swarming" to the appropriate alphabetical locations within the list of definitions set forth under the section, to read as set forth below: [NOTE: none of the other definitions under 17.06.030 is amended by this ordinance]

"Agricultural cultivation" means the planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose of more than one-half acre of land for viticulture, horticulture or similar intensive farming.

"Agricultural animal keeping" means the raising of animals or birds listed in NMC Section 17.52.050.C.3 for personal or commercial use.

"Apiary" means a place where one or more bee colonies are kept.

"Bee colony" means a queen bee with a cluster of worker-bees in all stages of life.

"Beehive" means structure which has provisions for movable comb intended for habitation or dwelling of bees.

"Bees" means Honey Bees as defined in this section.

"Honey Bees" means honey-producing insects of the genus *Apis*, including all life stages of such insects. Within this ordinance, the term "Honey Bees" is interchangeable with "Bees".

"Swarming" means the departure of some or all of the bee population from a bee colony.

**SECTION 2: Amendment.** Napa Municipal Code Subsection 17.52.050 is hereby amended by repealing the previous language in its entirety, and by adopting new language to read as set forth below:

17.52.050 Agricultural cultivation and animal keeping.

- A. Purpose.** To provide for a range of accessory agricultural activities and maintenance of livestock on larger residentially-zoned properties within the city while minimizing impacts to surrounding properties. (Resource Area properties are subject to requirements of that district.)
- B. Required Provisions.** An administrative permit is required for agricultural cultivation or animal keeping.
- C. Standards.**
1. Properties must be one acre in size or larger to incorporate such uses.
  2. The following performance standards shall apply to the keeping of one or more horse, mule, donkey, cow, steer, goat, pig, sheep, duck, turkey; or the keeping of 15 or more chickens, rabbits, and similar small animals, but specifically excluding roosters, peacocks, guinea hens or geese prohibited by NMC Section 6.04.070 and beekeeping which is regulated pursuant to NMC Section 17.52.055, "Beekeeping."
    - a. Not more than one horse, mule, donkey, cow, steer, goat, pig or sheep shall be kept for each one-half acre of lot area;
    - b. The closest point of any structure or fenced pasture where the animal(s) are to be kept is 40 feet distant from any dwelling on an adjacent lot.
  3. Animals listed in subsection (C)(2) are subject to individual case review, and may be subject to the following types of standards:
    - a. Requirements for fences or fenced stockade areas; requirements regarding provision of food and water supply, such as supply locations, requirements for closed, rodent-proof containers, etc.;
    - b. Requirements to secure or shelter animals at night to minimize possible noise impacts;
    - c. Requirements to maintain sanitary conditions by regular cleanup;
    - d. Limits on numbers of animals;
    - e. Notice that the premises where the animal(s) is to be kept may require inspection by the County Agricultural Commissioner;
    - f. On :HS hillside sites or other sensitive sites adjacent to watercourses or including wetlands, landscaped buffer areas and erosion control plans or other measures may be required to address environmental concerns. In approving the application, the Community Development Director may impose conditions deemed necessary to assure that the keeping of agricultural animals will not result in an adverse effect on the health, sanitation, safety or welfare of area residents or harm the environment.
  4. Cultivated agriculture activities shall require a grading and erosion control plan; notification to the Agricultural Commissioner, and, for development near

watercourses or wetlands, notification to the Department of Fish and Game and/or Corps of Engineers, and consultation with the city's water division to address efficient use of water. The Community Development Director may impose conditions deemed necessary to assure that the cultivated agricultural activities will not result in an adverse effect on the health, sanitation, safety or welfare of area residents or harm the environment.

**SECTION 3: Amendment.** The table set forth in Subsection 17.08.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "RS," "RI," "RT," and "RM," and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.08.020 is amended by this ordinance]

**SECTION 4: Amendment.** The table set forth in Subsection 17.10.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "CL," "CT," and "CC," and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.10.020 is amended by this ordinance]

**SECTION 5: Amendment.** The table set forth in Subsection 17.12.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "RO," "OC," and "COM," and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.12.020 is amended by this ordinance]

**SECTION 6: Amendment.** The table set forth in Subsection 17.14.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "LI," "IP-A," "IP-B," and "IP-C," and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.14.020 is amended by this ordinance]

**SECTION 7: Amendment.** The table set forth in Subsection 17.16.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the column labeled as "PQ," "PQ-P," "DP," "POS," "DPOS," and "AR" and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.16.020 is amended by this ordinance]

**SECTION 8. Amendment.** The table set forth in Subsection 17.18.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "Area A," "Area B," "Area C," and "Area D" and "See standards Ch. 17.52"

under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.18.020 is amended by this ordinance]

**SECTION 9. Amendment.** The table set forth in Subsection 17.20.020, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "North of 6<sup>th</sup> Street" and "South of 6<sup>th</sup> Street" and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.20.020 is amended by this ordinance]

**SECTION 10. Amendment.** The table set forth in Subsection 17.28.030, "Accessory Structures, Uses," is hereby amended to add "Beekeeping" in the appropriate alphabetical location within the table; with "PS" added to each row under the columns labeled as "MP-G1 South River Place District," "MP-G2 Creekside District," "MP-G3 Tulocay District," and "MP-G4 Tulocay Village District" and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations." [NOTE: none of the other cells under the table set forth in 17.28.030 is amended by this ordinance]

**SECTION 11. Amendment.** The table set forth in Subsection 17.30.040, "Table B Accessory and Related Uses," is hereby amended to add "Beekeeping" in the first and second columns labeled as "Vineyard" and "Agriculture;" with "Permitted, See standards Ch. 17.52" added to the third column labeled as "Conditions/Restrictions." [NOTE: none of the other cells under the table set forth in 17.30.040 is amended by this ordinance]

**SECTION 12: Amendment.** A new subsection 17.52.055, "Beekeeping," is hereby added to Title 17 of the Napa Municipal Code, to read as set forth below:

**"17.52.055 Beekeeping.**

- A. Purpose. To provide for beekeeping as an accessory use in all zones within the city while minimizing impacts to surrounding properties and respecting the safety of persons that may be in close proximity to apiaries, beehives and bee colonies. Beekeeping can contribute to pollination, and better harvests in gardens, and by contributing to pollination urban beekeeping is an important complement to urban food production and to the City's Natural Resources goals stated in the General Plan Update 2020.
- B. Applicability. Beekeeping shall only be allowed as specifically permitted within the land use regulations pertaining to the established zoning districts provided the regulations in NMC Section 17.52.055 are met:
  - 1. Unless otherwise provided in this code, apiaries shall be operated and maintained in accordance with the Best Management Practices for Beekeeping in Napa County developed by the Napa County Beekeeper's Association and as adopted by Resolution of the City Council ("BMP's").

2. It shall be the duty of every person owning, controlling or maintaining an apiary to adhere to the BMP's and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.
  3. It shall be the responsibility of the person owning, controlling or maintaining an apiary to provide adequate water for the bees to prevent bees from seeking water in neighborhood swimming pools, birdbaths, ponds or other community bodies of water.
  4. Apiaries shall consist of moveable comb hives in sound and useable condition.
  5. No side or rear setback shall be required, however the beehive entrance shall be situated behind screening that is six (6) feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs.
  6. Apiaries shall not be located in a front setback as defined in NMC Section 17.06.030 and shall be situated behind screening that is six (6) feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs.
  7. The suggested maximum number of beehives shall be calculated in accordance with the lot/acreage provisions in the BMP's.
  8. The provisions of this chapter, however, shall not authorize the keeping of honey bees in a manner constituting a public nuisance as defined in NMC Section 1.16.030. The City shall retain the right to abate any common law nuisance, or any nuisance as defined under California Civil Code sections 3479-3480.
  9. In the Park and Open Space Zoning District (POS), apiaries shall be permitted when associated with educational organizations, farms or community gardens in areas designated by the City.
- C. Right of entry for enforcement. City enforcement officers shall be empowered to enter upon any premises where honey bees are kept, or upon which there is reason to believe that bees are kept, in order to carry into effect the provisions of this chapter, in accordance with NMC Section 1.24.030.
- D. Beekeeping Registration. Any person owning, controlling or maintaining an apiary is encouraged to voluntarily register the apiary with the County of Napa Agricultural Commissioner prior to establishment of an apiary to ensure that notification of pesticide applications is received, pursuant to Section 29101 of the California Food and Agricultural Code.

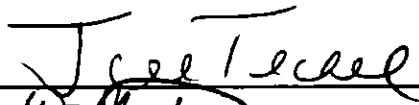

- E. Violation - Remedies. In addition to remedies otherwise provided by law, a violation of this chapter may be enforced in any manner set forth under NMC section 1.16.010.
- F. Compliance with state law. Nothing in this chapter shall excuse compliance with state law applicable to apiaries."

**SECTION 6: Title, chapter, and section headings.** Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

**SECTION 7: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 8: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR:   
 ATTEST:   
 CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }  
 COUNTY OF NAPA } SS:  
 CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the 18th day of February, 2014, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 4th day of March, 2014, by the following vote:

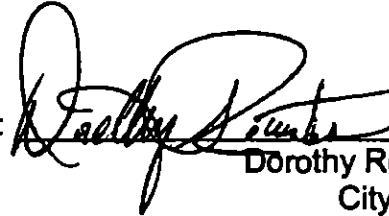
AYES: Pedroza, Inman, Mott, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Dorothy Roberts  
City Clerk

Approved as to Form:



Michael W. Barrett  
City Attorney