ORDINANCE NO. 24-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 3 (ANIMAL REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE BY AMENDING CHAPTER I (IN GENERAL) AND CHAPTER VI (SPECIAL ANIMAL PERMIT) TO PROVIDE FOR BEEKEEPING AND TO CLARIFY APPEAL PROCEDURES FOR SPECIAL ANIMAL PERMITS

WHEREAS, the keeping of domesticated bees allows for preservation of domesticated bees which are essential to agriculture, preservation of habitat, cultivation of native plants and amelioration of climate change; and

WHEREAS, the City's Animal Services Committee has carefully considered potential rules and regulations relating to beekeeping and permit requirements with the input of the Police Department and has recommended a draft ordinance to the City Council for adoption; and

WHEREAS, the appeal procedure for appeals relating to special animal permits was revised in 2023, but clarification of the notice and hearing requirements is needed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter I (IN GENERAL) of Title 3 (ANIMAL REGULATIONS), section 3-18 (BEEKEEPING) of the Costa Mesa Municipal Code is hereby amended by read as follows:

3-18 Residential Beekeeping

3-18.1 Definitions:

Bee: Any stage of the common domestic honey bee (apis mellifera species)

Beehive: Any structure housing a bee colony.

Frame: A hive component where bees build their honeycomb.

Hive box: An artificial/man-made structure to house honey bees.

a) Langstroth hive – A type of hive which was designed to be expandable or contractible with frames that can be removed for inspection.
b) Top bar hive – a trapezoidal box with slats of wood which the bees will make comb along. These slats can be pulled out with the comb for inspection.

Requeen: The act of replacing the queen bee in a hive with a younger queen, and mated queen, a common practice in beekeeping to prevent bee swarming, increase brood and honey production, resolve disease or pest issues, or reduce hive defensiveness.

Swarm: A group of bees in a transitional state leaving their original hive, clustering and then leaving again to establish a new hive in a new cavity.

3-18.2 Intent
The intent and purpose of this section is to authorize residential beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

3-18.3 Regulation and Permitting of Beekeeping
(a) It is unlawful for any person to have, keep or maintain any hive or swarm of wasps, hornets, bees, or other swarming insects within the city.

(b) Subsection (a) shall not apply to:

(1) the keeping of flying insects within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large, or

(2) the keeping of domesticated bees after obtaining a permit from the Chief of Police or their designee as hereinafter provided.

3-18.4 Beekeeping Permit Requirements
(a) Permit Required.

(1) A Residential Beekeeping Permit is required for all domesticated hives.

(2) A person intending to keep, maintain and have in their possession and under their control a residential beehive shall first apply for and obtain a Residential Beekeeping Permit with the Police Department's Animal Services Unit.

(b) Application Requirements.

(1) An application for a permit required pursuant to this chapter shall be made in writing to the police chief upon a form furnished by the city, and shall be accompanied by an application fee in the amount set by the city council resolution.

(2) Upon receipt of the initial application, City staff will mail notifications to property owners and residents whose property directly abut the applicant's property.

a) Written notifications will provide residents, up to 30 days to respond for permit consideration purposes.
b) Special consideration will be given to abutting residents whose health, safety and welfare would be endangered due to a medical condition and/or allergy to the sting of bees.

(3) Any existing beekeeper with hive(s) established before the adoption of this ordinance will have a period of 90 days from the effective date of the ordinance to obtain a permit and come in compliance with the requirements of this ordinance.

(c) Property and Hive Requirements.

(1) Beehives may only be placed on residential properties that allow for adequate spacing, as defined in subsection (a) & (b), from neighboring residences so as not to interfere with the free use of neighboring property.

a) Beehives should be located at least 15 feet from any property line and 25 feet from neighboring residential buildings unless measured as described in subsection (b) below are met.

b) Beehives unable to meet the above distance requirements require a 6-foot solid barrier (fence, wall, or dense vegetation) be installed to direct bee flight paths upwards and away from neighboring properties.

c) Beehives are prohibited within 500' from the following parks/preserves in order to reduce impacts to native flora and protect native pollinator species:

- Fairview Park
- Talbert Park
- Upper Newport Bay Nature Preserve (Back Bay)
- Frank and Joan Randall Preserve

(2) Beehive locations shall be secured from unauthorized access and not visible from the public right of way.

(3) A maximum of two (2) production hives are permitted, with additional temporary expansion hives allowed as needed to manage swarming.

(4) All bees shall be kept in hive boxes with frames that can be removed for inspection and equipment shall be kept in sound and usable condition.

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

(d) Registration, Training and Guidelines.

(1) Beehives shall be validly registered with the Agricultural Commissioner of the County of Orange, in accordance with Section 20943 of the California Food and Agriculture Code.

(2) All domesticated hives must be maintained in conformity with the Costa Mesa Residential Beekeeping Best Management Best Practices.

(e) Public Nuisance.

(1) Bees or hives shall be considered a public nuisance subject to Title 20, Chapter 3 of this Code when any of the following occurs:

a) Hives are placed on property without first obtaining a Residential Beekeeping Permit.

b) Bees exhibit defensive behavior or interfere with the normal use of adjoining properties.

c) Bees or hives do not conform to the Costa Mesa Residential Beekeeping Management Best Practices or the requirements of this section.

d) Hives are abandoned by the owner; or

e) A complaint is received from a person residing on a neighboring property with proof of a medically certified allergy to the sting of bees.

3-18.5 Issuance of Beekeeping Permit and Renewal

(a) The Chief of Police or their designee may issue a permit for beekeeping if they determine such beehive(s) and bees, may be kept or maintained without compromising the safety of any person or interfering with the free use of a neighboring property; additionally, the Chief of Police or their designee may impose such conditions in granting a permit as they may deem necessary to ensure public safety.
(b) No Residential Beekeeping Permit shall be issued when it has been determined that keeping of bees and beehives would endanger a person or person(s) on abutting property at the time of the submission of a completed Residential Beekeeping Permit application.
(c) Prior to issuance of a permit, the owner shall pay to the city a permit fee, in an amount to be set by resolution of the city council.
(d) A Residential Beekeeping Permit shall expire two (2) years from the date of issuance of the permit.
(e) The recipient of a Residential Beekeeping Permit shall submit a renewal application and associated fee at least 60 days prior to the expiration of the prior permit.
(f) Expired permits may not be renewed and will require a new application in accordance with Section 3-18.4(b).

3.18.6 Notice of Action on Permits

The applicant shall be notified in writing of the action of the Chief of Police or their designee in either granting or denying the permit, and if the application has been denied, the notice shall advise the applicant of the reason for denial and their right to appeal as outlined in this ordinance. Service of the notice may be made by personal service or by registered mail. If service is made by mail, it shall be deemed complete upon deposit in the United States Mail directed to the applicant at their latest address shown on the application.

3.18.7 Revocation of Permit

The Chief of Police or their designee may for good cause, revoke any permit or modify any terms or provisions thereof, after an informal hearing, and may, in the event it is reasonably necessary to protect against an immediate threat to the public health or safety, suspend any permit or portion thereof without a hearing for a period not to exceed 30 days. The permittee shall be given at least three days' prior written notice of any such hearing. Good cause shall include, but not be limited to:

(a) The permit holder is found to be in violation of this Chapter or the Costa Mesa Residential Beekeeping Best Management Practices.
(b) It is determined that an abutting resident’s health, safety and welfare would be endangered due to a medical condition and/or allergy to the sting of bees.
(c) Bees or hives have become a public nuisance as provided in section 3-18.4(e) above.

3.18.8 Appeals From Action of Police Chief
(a) If any person is aggrieved by any action of the Chief of Police or their designee taken pursuant to this chapter, such person may appeal to the city manager by filing with the city clerk a statement addressed to the city manager setting forth the facts and circumstances regarding the action or failure to act on the part of the Chief of Police or their designee. The city clerk shall notify the applicant in writing by registered mail of the time and place set for hearing the appeal. The city manager or their designee shall hold a hearing and determine the merits of the appeal, and may sustain, overrule or modify the action of the Chief of Police or their designee. The decision of the city manager or their designee shall be final.

(b) The right to appeal to the city manager from any action or decision of the Chief of Police under this chapter shall terminate upon the expiration of 15 days following the giving of notice to the applicant advising him of the action of the Chief of Police or their designee.

SECTION 2. Chapter VI (SPECIAL ANIMAL PERMIT) of Title 3 (ANIMAL REGULATIONS), sections 3-148, 3-149 and 3-151 of the Costa Mesa Municipal Code are hereby amended to read as follows:

3-148. Notice of Action on Permit.
The applicant shall be notified in writing of the action of the Chief of Police or their designee in either granting or denying the permit, and if the application has been denied, the notice shall advise the applicant of their right to appeal to the city manager. Service of the notice may be made by personal service or by registered mail. If service is made by mail, it shall be deemed complete upon deposit in the United States Mail directed to the applicant at his latest address shown on the application.

3-149 Revocation, Suspension of Permit.
The Chief of Police or their designee may, for good cause, revoke any permit or modify any terms or provisions thereof, after informal hearing, and may, in the event it is reasonably necessary to protect against an immediate threat to the public health or safety, suspend any permit or portion thereof without hearing for a period not to exceed 30 days. The permittee shall be given at least three days' prior written notice of any such hearing.

3-151 Appeals From Action of Police Chief
(a) If any person is aggrieved by any action of the Chief of Police or their designee taken pursuant to this chapter, such person may appeal to the city manager by filing with the city clerk a statement addressed to the city manager setting forth the facts and circumstances regarding the action or failure to act on the part of the police chief. The city clerk shall notify the applicant in writing by registered mail of the time and place set for hearing the appeal. The city manager or their designee shall hold a hearing and determine the merits of the appeal, and may sustain, overrule or modify the action of the Chief of Police or their designee. The decision of the city manager or their designee

shall be final.

(b) The right to appeal to the city manager from any action or decision of the Chief of Police under this chapter shall terminate upon the expiration of 15 days following the giving of notice to the applicant advising him of the action of the Chief of Police or their designee.

SECTION 3. CEQA. This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is exempt from CEQA because there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) The City Clerk may cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 4. SEVERABILITY. The City Council declares that should any provision, section; paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 6. The City Clerk of the City of Costa Mesa shall certify the passage of the ordinance and shall cause the same to be posted in the manner required by law.

PASSED AND ADOPTED this ___ day of _____ 2025, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

I, _____, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing ordinance was regularly introduced at a regular meeting of the City Council held on the 19th day of November, 2024, and adopted by the City Council of the City of Costa Mesa, California, at a regular meeting thereof held on the ____ day of ___, 2025, by the following vote of the City Council:

_____
City Clerk