

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, AND FINDING CATEGORICALLY EXEMPT FROM CEQA REVIEW

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 insect of the superfamily Apoidea in the order Hymenoptera characterized by sucking and chewing mouthparts for gathering nectar and pollen, including domesticated bees.

Beehive: Any structure housing a bee colony or other colony of swarming insects, including domesticated hives.

Domesticated bee: Any stage of life of the common domesticated honeybee, but not including feral bees.

Domesticated hive: An artificial structure for the housing of domesticated bees that is manufactured for that purpose, containing up to ten (10) standard sized frames.

Requeen: The act of replacing the queen bee in a hive with a younger queen, a common practice in beekeeping to prevent bee swarming.

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 backyard beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with backyard beekeeping 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 property resident intending to keep, maintain and have in their possession and under their control a residential beehive is eligible to apply for 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) Applicant must provide proof of notification to adjacent property owners abutting the subject property regarding the submittal of a Residential Beekeeping Permit Application. Proof of notification shall include the following information:

a) Copies of notification letter (provided by City with permit application)

b) Neighbors signature acknowledging receipt of letter.

c) Contact information (name, email address, and phone number); and

d) Property address

(3) A validly obtained Residential Beekeeping Permit may be revoked at any time if the permit holder is found to be in violation of this Section or the Costa Mesa Residential Beekeeping Best Practices. Such revocation shall be in addition to any other remedy that may be pursued by the city pursuant to subsection (e) below.

(4) Beehive Signage: The permittee shall comply with the following sign requirements:

- a) Location: All front yard gates/fences
- b) Sign text- "Warning: Active Beehive."
- c) Sign size: 12" x 24" minimum.

(c) Property and Hive Requirements.

(1) Domesticated hives are only permitted on properties designated within an R-1 Single Family Residential Zoning District.

(2) No domesticated hives may be maintained on a single-family residential property of less than three thousand (3,000) square feet.

(3) Single-family residential properties three thousand (3,000) square feet to seven thousand square feet are limited to one (1) domesticated hive.

(4) Single-family residential properties over seven thousand (7,000) square feet may be authorized to have up to two (2) domesticated hives.

(5) All domesticated bees shall be kept in domesticated hives consisting of moveable frames which shall be kept and maintained in sound and usable condition.

(d) Registration, training and guidelines.

(1) Domesticated hives 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 operators of domesticated hives shall maintain evidence of completion of a beginning beekeeper course.

(3) Domesticated hive management requirements. All domesticated hives must be maintained in conformity with the Costa Mesa Residential Beekeeping Best Practices guide.

(4) All above registration and training requirements must be completed within 60 days of permit issuance.

(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 or aggressive behavior or interfere with the normal use of adjoining properties.
- c) Bees swarm due to failure to requeen or without response to contain or relocate within three (3) days.
- d) Bees swarm without response to contain or relocate within twenty-four (24) hours.
- e) Bees or hives do not conform to the Costa Mesa Residential Beekeeping Best Practices or the requirements of this section.
- f) Hives are abandoned by resident bees or by the owner; or

- g) 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 he determines such beehive(s) and bees, may be kept or maintained without menacing the safety of any person or property; provided, however, the Chief of Police may impose such conditions in granting a permit as they may deem necessary to protect the public.

(b) A residential beekeeping permit shall expire two (2) years from the date of issuance of the permit.

(c) The recipient of a residential beekeeping permit shall submit a new application to renew the permit prior to the expiration of the previous year's permit.

(d) Inspections: Subsequent to the approval of an initial residential beekeeping permit, City staff or their designee shall inspect the site to determine that the beehive(s) and bees comply with the permit requirements and zoning regulations.

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 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.

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 _____ 2024, 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 ___ day of ___, 2024, and adopted by the City Council of the City of Costa Mesa, California, at a regular meeting thereof held on the ___ day of ___, 2024, by the following vote of the City Council:

City Clerk