

Title 8 HEALTH AND SAFETY

Chapter 8.12 BEES

8.12.010 Definitions.

Any word or phrase hereinafter used and not defined in this section shall be given the meaning established for such word or phrase by the California Agriculture Code as it now is or may hereafter be amended. (Ord. 551.1 § 1, 1989)

8.12.020 Location of apiaries.

A. All apiaries owned or kept within the unincorporated territory of Riverside County shall be kept and located at a place at least three hundred (300) feet from any and all public roads.

B. All apiaries owned or kept within the unincorporated territory of Riverside County shall be kept and located at a place at least five hundred (500) feet distant from the nearest structure used as a dwelling or as a place of business, and such apiaries shall not be kept or maintained at a lesser distance thereto unless the owner or the person having control or possession of such apiaries first procures permission from the owner or the person having control or possession of the structure as a dwelling or place of business to do so, and upon request, satisfactory evidence of such permission shall be furnished to the agriculture commissioner.

C. All apiaries owned or kept within the unincorporated territory of Riverside County near school yards or places where people congregate shall be located and maintained behind barriers, natural or otherwise, so as to cause bees to fly at a high altitude over such school yard or places where people congregate.

D. No apiary shall be maintained in any particular location within the unincorporated territory of the county 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 comfortable enjoyment of life or use of property of others. (Ord. 551.1 § 2, 1989)

8.12.030 Apiary identification.

No apiary shall be kept or maintained by any person on premises other than that of his or her premises unless such apiary is identified either:

A. By a sign which is prominently displayed on the entrance side of the apiary, that states in black letters not less than one inch in height on a background of contrasting color that name of the owner or person having control or possession of the apiary, his or her address and telephone number, or if he or she has no telephone, a statement to that effect; or

B. In letters not less than one inch in height on a background of contrasting color, the name of the owner or person in possession of the apiary, his or her address and telephone number stenciled on a beehive located at the entrance of the apiary. (Ord. 551.1 § 3, 1989)

8.12.040 Water supply.

A plentiful supply of fresh water must be furnished and kept available to all apiaries at all times, unless an apiary is so located that the nearest supply of water is an isolated stream or reservoir where water is available to such bees, and all other sources of water at locations where people or animals congregate, dwell, reside or remain are farther from the apiary than the stream or reservoir. If no such stream or reservoir is available to the bees, the owner or person having control or possession of an apiary shall cause to be placed and maintained a plentiful supply of fresh water within three hundred (300) feet of such apiary. (Ord. 551.1 § 4, 1989)

8.12.050 Hives of bees--Transportation.

When the temperature exceeds fifty-five (55) degrees Fahrenheit, no person shall transport within the county between one-half hour before sunrise and one-half hour after sunset hives of bees, or cause the same to be done, unless such bees are confined by screens in good repair or other equally effective means of confinement. (Ord. 551.1 § 5, 1989)

8.12.060 Apiaries located on premises of another.

No apiaries shall be kept or located upon the premises of another without the owner or the person having control or possession of such apiaries first procuring permission of such premises to do so, and upon request, satisfactory evidence of such permission shall be furnished to the agriculture commissioner. (Ord. 551.1 § 6, 1989)

8.12.070 Bee hazard defined.

"Bee hazard," as used in this chapter, means a condition that exists upon the premises upon which an apiary is located, which is causing bees to enter upon other premises in an amount such as to endanger public health or safety, or to create unreasonable interference with the comfortable enjoyment of life or use of property of others. (Ord. 551.1 § 7, 1989)

8.12.080 Public nuisance.

Any bee hazard in the unincorporated territory of Riverside County is declared to constitute a public nuisance. (Ord. 551.1 § 8, 1989)

8.12.090 Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the agriculture commissioner. In the enforcement of this chapter, the commissioner and his or her employees, or other county employees, may, upon routine inspection, or whenever they are informed or have reasonable cause to believe that there is an existing condition upon any premises upon which an apiary is located that is causing a bee hazard, to enter upon such premises and to determine whether or not there is an existing bee hazard. (Ord. 551.1 § 9, 1989)

8.12.100 Abatement proceedings--Notices.

A. First Notice. Whenever there exists upon any premises within the unincorporated territory of the county a bee hazard, written notice shall be given to the person having control or possession of the apiary on such premises and the owner of such premises in the manner hereinafter stated, to abate such nuisance. The notice shall specify what is claimed to be causing the bee hazard. Abatement shall be commenced immediately and shall be completed within such reasonable time as shall be specified in the notice.

B. Manner of Giving Notice. The notice required by this section shall be served personally, or if the person/persons to be served cannot be readily found, notice shall be served by registered or certified mail, postage prepaid, return receipt requested, or if the person or persons cannot be served by mail, then service shall be accomplished by posting such notice in a conspicuous place on or near the apiary where the condition exists.

C. Second Notice. If the bee hazard has not been abated within the time specified in the first notice, the date for the completion of the abatement may be continued, or a second notice shall be given to the person having control or possession of the apiary on such premises and the owner of such premises in the same manner as the first notice. The notice shall direct the parties concerned to appear at a public hearing at a specified date, time and place to show cause why such bee hazard should not be abated as provided in this chapter. The hearing shall be set not less than five days after service of the notice. Additionally, the notice shall state that if the hearing officer finds that there is an existing condition upon the premises which is causing a bee hazard, the commissioner will proceed to abate such nuisance, unless the condition is abated on or before a date specified by the hearing officer, and that the person having control or possession of the apiary on such premises and the owner of such premises, jointly and severally, may be liable to the county for the total cost of such work and such costs may constitute a charge and lien upon such premises. (Ord. 551.1 § 10, 1989)

8.12.110 Abatement proceedings--Hearing.

All hearings under this chapter shall be held before the agriculture commissioner or his or her designated subordinate as hearing officer, who shall proceed to hear all facts and testimony he deems pertinent. The hearing officer shall not be limited by the technical rules of evidence. The owner of such premises upon which an apiary is situated may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the apiary on such premises, with his or her reasons for such denial. Upon conclusion of the hearing, the hearing officer shall make the following findings:

- A. Whether or not a bee hazard exists;
- B. Specifically, what is causing such condition;
- C. What should be done to abate such condition;
- D. Whether or not the owner of such premises consented to the presence of the apiary;
- E. The administrative costs and the costs to abate such condition.

If the hearing officer determines that such a condition exists, the commissioner shall proceed to abate it, without further notice, unless: (1) the condition is abated and such work performed by the person having control or possession of the apiary on such premises or the owner of such premises on or before a date to be specified by the hearing officer; or (2) notice of appeal has been filed as provided in Section 8.12.120.

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. (Ord. 551.1 § 11, 1989)

8.12.120 Appeal.

Any interested party may appeal the decision of the hearing officer by filing a written notice of appeal with the hearing officer within five days after his or her decision. Such appeal shall be heard by the board of supervisors which may affirm, amend or reverse the decision or take other action deemed appropriate. The clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 8.12.100(A). In conducting the hearing the board of supervisors shall not be limited by the technical rules of evidence. (Ord. 551.1 § 12, 1989)

8.12.130 Costs shall become assessment.

If the administrative costs and the costs of abatement which are charged against the owner of the premises pursuant to Section 8.12.110 are not paid within thirty (30) days of the date of the decision by the hearing officer, or the final disposition of an appeal therefrom, such costs shall be assessed against the premises pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other county taxes. (Ord. 551.1 § 13, 1989)

8.12.140 Other remedies not excluded.

The provisions of Sections 8.12.100 through 8.12.130 are to be construed as an added remedy of abatement of the nuisance declared in this chapter, and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law. (Ord. 551.1 § 14, 1989)