

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ADDING SUBPARAGRAPH 13 TO PARAGRAPH b OF SECTION 9.1.404 OF
THE OAKLEY MUNICIPAL CODE, DEALING WITH KEEPING OF BEES IN
THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT**

The City Council of the City of Oakley does ordain as follows:

Section 1. Subparagraph 13 is hereby added to paragraph b of Section 9.1.404 of the Oakley Municipal Code, to read as follows:

13. Bees shall be allowed only under the following conditions:

a) Definitions:

i) "Bee" shall mean any stage of the common domestic honey bee, *Apis Mellifera* species;

ii) "Hive" shall mean a structure for the housing of a bee colony;

iii) "Requeen" means to replace the queen bee in a colony with a younger and more productive queen, a common practice in beekeeping to prevent bee swarming.

b) General Requirements:

i) Hives may only be maintained in the single-family or agricultural districts, not in multi-family or mobile home districts;

ii) No more than two hives may be maintained on any single family residential lot;

iii) All bee colonies shall be kept in inspectable hives consisting of moveable frames and combs;

iv) Hives must be kept in sound and usable condition at all times.

c) Hive Placement Requirements:

i) Hives shall be located at least 25 feet from all property lines or be screened by a barrier as described below, or 100 feet from any licensed large day care facility.

ii) Hives shall be screened so that bees must fly over a six-foot barrier, which may be vegetative, before leaving the property; if placed above a barrier, hives shall be placed at least 20 feet from the front property line, 15 feet from the rear property line, and at least 5 feet from side property lines.

d) Hive Management Requirements:

i) Hives shall be continually managed to provide adequate living space for the resident bees to prevent swarming.

ii) Hives shall be requeened as necessary but at least every three years to prevent swarming;

iii) A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property. The water source shall not be allowed to become stagnant in a manner that would propagate mosquitos.

iv) Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

Section 2. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date