

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: July 28, 2014

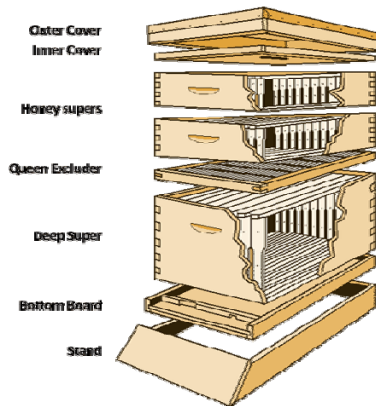
AGENDA ITEM: Bee Keeping	AGENDA SECTION: New Business
PREPARED BY: Gloria Hirashima, Community Development Director	AGENDA NUMBER:
ATTACHMENTS: 1. Memo on beekeeping 2. Bee regulation summary	APPROVED BY:
	MAYOR CAO
BUDGET CODE:	AMOUNT:

At the 7/14/14 meeting, a Marysville resident, Ms. Bussey, requested the Council’s action on bee regulations due to concerns about hives on a neighboring property. At this time, Marysville does not have any regulations concerning bees. The Council requested that staff research bee regulations in other jurisdictions in order to brief Council on potential policy options for the City of Marysville.

Staff has researched bee keeping regulations in other communities. A number of cities do have regulations regarding bees. Bee keeping is becoming more popular within urban areas and the city has received calls over the years from people who are establishing hives.

The most common rules are outlined below:

- Maximum of 2 hives on smaller lots. Generally the number of hives allowed increases with lot size;
- 25 foot setback of hives from property lines. Typically setbacks are able to be reduced for hives that are at least 8 feet above the adjacent ground; or the hives are less than 6 feet above the adjacent ground and are behind a solid fence or hedge which is at least 6 feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions;
- Colonies must be maintained in a movable frame hive (see example below)*;



* With the movable-frame hive, all the combs can be taken out and replaced, or exchanged with other hives at will, without harming the bees. The combs can be emptied of honey with the extractor, and returned to the hive to be refilled saving labor for the bees in making new combs, and honey for the beekeeper. The queen can be found, examined, and, when necessary, can be replaced by one more prolific, or one in some other way more desirable; and artificial colonies can be made by dividing at will. If a colony be weak, it can be strengthened by giving it a frame or two of brood from some other hive or it may be fed by supplying it with combs of honey from wealthy colonies. The movable frame enables the beekeeper to perform any operation he may see fit to do and control the condition of his bees and their increase (Source: beginner-beekeeping.com).

- Hives must be maintained to avoid overpopulation and minimize swarming;
- Hives must be requeened annually or any time following swarming or aggressive behavior with a breeder-raised queen of suitable docile strain; and
- Colonies must be registered with the State Department of Agriculture.

Staff could work with the Planning Commission to identify appropriate hive maximums, setbacks and other requirements for beekeeping.

RECOMMENDED ACTION: Direct staff to draft an ordinance regarding beekeeping.
--

COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: July 17, 2014
TO: City Council
FROM: Angela Gemmer, Associate Planner
RE: Beekeeping

Backyard beekeeping is a hobby that has been gaining in popularity in recent years. The local and sustainable food movements; the allure of producing one's own honey and wax; and concerns regarding Colony Collapse Disorder may all contribute to the desire to keep bees. Within urban areas, proper management of hives is important to ensure compatibility with surrounding uses. Below is a brief overview of beekeeping; common concerns that neighbors may have regarding beekeeping; practices to prevent conflicts with neighboring uses; a summary of regulations other jurisdictions have; and State requirements.

Beekeeping & Honeybees

Beekeeping (or apiculture, from Latin: apis "bee") is the maintenance of honey bee colonies, commonly in hives, by humans. A colony generally contains one queen bee, a fertile female; seasonally up to a few thousand drone bees, fertile males; and a large seasonally variable population of sterile female, worker bees. (Source: Wikipedia).

Honeybees are bees of the genus *Apis*, primarily distinguished by the production and storage of honey and the construction of perennial, colonial nests from wax. Honey bees represent only a small fraction of the roughly 20,000 known species of bees. Some other types of related bees produce and store honey, but only members of the genus *Apis* are true honey bees (Source: Wikipedia).

Common Concerns & Problems with Beekeeping

Below is a summary of some common concerns and problems with beekeeping.

Swarming. Swarming is the natural means of reproduction of honey bee colonies. A new honey bee colony is formed when the queen bee leaves the colony with a large group of worker bees, a process called swarming. In the prime swarm, about 60 percent of the worker bees leave the original hive location with the old queen. This swarm can contain thousands to tens of thousands of bees. Swarming is mainly a spring phenomenon, usually within a two- or three-week period depending on the location, but occasional swarms can happen throughout the producing season. Secondary afterswarms may happen but are rare. Afterswarms are usually smaller and are accompanied by one or more virgin queens. Sometimes a beehive will swarm in succession until it is almost totally depleted of workers. (Source: Wikipedia).

In the process of swarming the original single colony reproduces to two and sometimes more colonies. Entomologists (scientists who study insects) consider a colony as a superorganism. A colony with a queen needs a certain colony size to reproduce. An individual queen, drone or bee without a colony cannot survive for long (Source: Wikipedia).

Honey bee swarms are not highly dangerous under most circumstances. Swarming honey bees feed prior to swarming, reducing their ability to sting. Further, bees away from the vicinity of their nest (offspring and food stores) are less defensive and are unlikely to sting unless provoked (Source: Iowa State University Extension and Outreach, Dealing with Honey Bee Swarms, Donald R. Lewis, <http://www.ipm.iastate.edu/ipm/hortnews/node/9>).

In most situations when a honey bee swarm is found on a tree, shrub or house you do not need to do anything. Swarms are temporary and the bees will move on if you patiently ignore them. People should keep their distance from a swarm. Only if a serious health threat is present because of the location of the swarm, such as in a highly traveled public area, should you need to take any action (Source: Iowa State University Extension and Outreach, Dealing with Honey Bee Swarms, Donald R. Lewis, <http://www.ipm.iastate.edu/ipm/hortnews/node/9>).

Other conditions that can trigger a swarming behavior include: a crowded broodnest; lack of storage space for honey; and an old or poor quality queen (Source: pugetsoundbees.org).

Bee Stings/Aggressiveness. Honeybees generally attack only to defend their colony, but will also attack if they are seriously disturbed outside the hive or nest. Common sources of attack stimulus for honeybees include alarm pheromone, vibrations, carbon dioxide, hair, and dark colors (Source: Analysis of Honeybee Aggression, Dylan Voeller and James Nieh, http://labs.biology.ucsd.edu/nieh/TeachingBee/honeybee_aggression.htm).

Low Flight Path. Bees will take the most direct path from their food source to their hive. This can result in disturbing humans or other animals. Bees also defecate in flight which can stain car paint and other surfaces. These problems can be alleviated by installing fencing or tall vegetation near hives to promote the bees gaining altitude more quickly so that they don't fly into people (Source: Farmer's Almanac).

Inadequate Water Supply. When there is inadequate nearby fresh water available to bees, they can become nuisance by visiting swimming pools, hose bibs, pet water dishes, bird baths, and other places where people are present.

Beekeeping Best Management Practices

The following is a list of some common best management practices for beekeeping to avoid the common problems identified above.

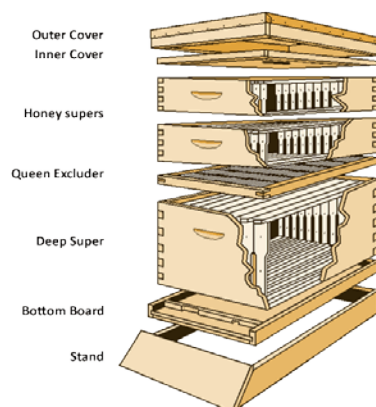
- Maintain strong, healthy, populous colonies
- Remove or securely seal all empty hive equipment.
- Remove or combine all weak colonies.
- Treat or remove all disease and/or pest infested colonies.
- Report disease and/or pest infested colonies to the Department of Agriculture.
- Practice proper management and control techniques to prevent colonies from swarming.
- Maintain all colonies at least 10 feet away from property lines.

- Place all colonies less than 40 feet from property lines behind a barrier no less than 6 feet in height. Barriers should be of sufficient density to establish bee flyways above head height.
- Maintain a water source within 50 feet of colonies or less than one-half the distance to the nearest unnatural water source, whichever is closest for urban and suburban apiaries.
- Remove or relocate an apiary that is within 50 feet of any animal that is tethered, penned, kenneled, or otherwise prevented from escaping a stinging incident.
- Avoid opening or disturbing colonies when neighbors or the general public are participating in outside activities or using machinery within 150 feet of an apiary.
- House colonies in movable frame hives.
- Maintain colonies with honey bee races certified as European honey bees (EHB).
 - Purchase queens, packaged bees, nucleus colonies, or established hives from certified EHB suppliers.
 - Requeen when making divisions and splits of established colonies.
 - Replace queens in all captured or trapped swarms within 30 days.
 - Replace queens in all colonies every two years.
 - Mark or clip queens prior to introduction to splits, swarms, and colonies.
 - Replace all unmarked or unclipped queens within 21 days of discovery.
- Replace queens and destroy all drone brood in colonies exhibiting defensive behavior that may be injurious to the general public or domesticated animals.
- Obtain queens from suppliers located outside of Africanized honey bee (AHB) infested areas and localities adjacent to AHB infested areas (Source for list: beekeepersguild.org). These areas appear to be Texas, Arizona, Nevada, New Mexico, Florida, and southern California (Source: Wikipedia).

Summary of Other Cities' Rules

The codes of 22 cities were reviewed to see what rules are in place pertaining to beekeeping. Fifteen of the 22 cities have rules on beekeeping. These rules are contained in the attached chart. The most common rules are outlined below:

- Maximum of 2 hives on smaller lots. Generally the number of hives allowed increases with lot size;
- 25 foot setback of hives from property lines. Typically setbacks are able to be reduced for hives that are at least 8 feet above the adjacent ground; or the hives are less than 6 feet above the adjacent ground and are behind a solid fence or hedge which is at least 6 feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions;
- Colonies must be maintained in a movable frame hive (see example below)*;



** With the movable-frame hive, all the combs can be taken out and replaced, or exchanged with other hives at will, without harming the bees. The combs can be emptied of honey with the extractor, and returned to the hive to be refilled saving labor for the bees in making new combs, and honey for the beekeeper. The queen can be found, examined, and, when necessary, can be replaced by one more prolific, or one in some other way more desirable; and artificial colonies can be made by dividing at will. If a colony be weak, it can be strengthened by giving it a frame or two of brood from some other hive or it may be fed by supplying it with combs of honey from wealthy colonies. The movable frame enables the beekeeper to perform any operation he may see fit to do and control the condition of his bees and their increase (Source: beginner-beekeeping.com).*

- Hives must be maintained to avoid overpopulation and minimize swarming;
- Hives must be requeened annually or any time following swarming or aggressive behavior with a breeder-raised queen of suitable docile strain; and
- Colonies must be registered with the State Department of Agriculture.

State Requirement

Under State law (RCW 15.60.021), each person owning one or more hives with bees, brokers renting hives, and apiarists resident in other states who operate hives in Washington shall register with the Director of the Washington State Department of Agriculture by April 1st each year.

Beekeeping Regulations in Cities within Washington State

City	Beekeeping Regulations?	Number of Colonies or Hives Allowed	Minimum Lot Size	Hive Setback Requirement	Hive Management and Registration Requirements	What Constitutes a Nuisance?
Arlington	Yes	2 hives on lots under 15,000 sf; 5 hives on lots 15,000 to 35,000 sf; 15 hives on lots over 35,000 sf.	-	10 feet from the property line	Hives must be movable frames. Must register colony with State Department of Agriculture.	-
Auburn	Yes	-	-	-	-	Nests, colonies, hives or apiaries of bees, Africanized honey bees, yellow jacket, hornets or wasps which are not in full compliance with Chapter 15.60 RCW or Chapter 16-602 WAC, or which are not in full compliance with the city's zoning and land use codes or with the city's business licensing and registration codes.
Bainbridge Island	No	-	-	-	-	-
Bellevue	Yes	4 hives on lots under 15,000 sf; 15 hives on lots between 15,001 and 35,000 sf; 25 hives on lots over 35,000 sf. Each hive may only have 1 colony.	7,200 sf	25 feet from a property line, except when situated 8 feet or more above adjacent ground level, or when situated less than 6 feet above adjacent ground level and behind a solid fence or hedge at least 6 feet high parallel to any property line within 25 feet of the hive and extending at least 25 feet level, or when situated beyond the hive in both directions.	Must be maintained in a movable frame hive at all times. Hives must be maintained to avoid overpopulation and minimize swarming. Must requeen annually or any time following swarming or aggressive behavior with a breeder-raised queen of suitable docile strain. Must register colony with State Department of Agriculture.	-
Bellingham	Yes	-	-	50 feet	Shall be kept in a manner in which they are inaccessible to the general public and	-

					so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way. Must register colony with State Department of Agriculture.	
Bothell	Yes	-	½ acres	-	Colonies must be in movable frame hives.	-
Burlington	No	-	-	-	-	-
Everett	No	-	-	-	-	-
Edmonds	No	-	-	-	-	-
Federal Way	Yes	2 hives for lots less than 20,000 sf; 5 hives for lots between 20,000 and 60,000 sf; and 15 hives for lots over 60,000 sf.	15,000 sf	25 feet; however, may be reduced to 10 feet under the following circumstances: The hives are at least 8 feet above the adjacent ground; or the hives are less than 6 feet above the adjacent ground and are behind a solid fence or hedge which is at least 6 feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions.	Colonies must be in movable frames. Hives must be requeened following any swarming or aggressive behavior. Must register colony with State Department of Agriculture.	
Gig Harbor	Yes	-	-	30 feet away from a property line, with the hive(s) entrance(s) facing away from or parallel to the nearest property line.	Adequate space in the hive should be maintained in order to minimize swarming. Adequate handling techniques, such as requeening, should be employed. Must register colony with State Department of Agriculture. A consistent source of water shall be provided as appropriate at the apiary. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths, or where people congregate.	Colonies of bees which are aggressive or exhibit objectionable behavior, or which interfere with the normal use of property or the enjoyment of persons, animals or adjacent property; Hives of bees which don't meet code; An abandoned hive(s); All nests, hives, or colonies of Africanized honey bees (<i>Apis mellifera scutellata</i>) except those which are

						permitted in RCW 15.60.140.
Issaquah	Yes	2 hives for lots 6,000 to 10,000 sf; 4 hives for lots 10,001 to 20,000 sf; 10 hives for lots 20,001 to 43,560 sf; 20 hives for 1 to 1 ½ acre; 25 hives for lots 1 ½ to 5 acres; 40 hives for lots 5 to 10 acres ; 60 hives for 10+ acres	6,000 sf	25 feet with exceptions Hives may be less than 25 feet from a property line if placed behind a 6 foot high fence, which shall extend at least 25 feet beyond the hive(s) in both directions. The fence shall direct bee flight into the air at least 6 feet before the bees cross the property line. The fence or obstruction may occur on the adjoining property; provided, that bee flight is not directed in the vicinity of recreational decks or entrances to housing or buildings on adjoining properties. In lieu of a fence, the hive(s) may be placed at least 8 feet above adjacent ground level, and comply with the remaining placement requirements. A hive(s) adjacent to public roads shall comply with placement requirements in such a manner as to direct bee flight at least 20 feet into the air over the road surface. In lieu of this requirement, a hive(s) shall be placed at least 100 feet from the road right(s)-of-way, with the entrance(s) parallel	Colonies must be in movable frames and combs unless an educational exhibit. Hives shall be managed for swarm prevention and gentleness; Hives shall be requeened at least bi-annually to prevent swarming. Annual requeening is strongly recommended; and Hives shall be requeened if bee behavior is likely to cause a nuisance; and A consistent source of water shall be provided at the apiary unless it occurs naturally within three hundred (300) yards. The water may be "sweetened" with mineral salt or chlorine to enhance its attractiveness. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths or where people congregate; and An apiary(s) shall be identified by placing a sign so it is visible to passersby. An apiary(s) located at the owner's residence is exempt from marking requirements. Must register colony with State Department of Agriculture.	Colonies of bees are defensive or exhibit objectionable behavior, or interfere with the normal use of property, or the enjoyment of persons, animals or property adjacent to an apiary(s); swarming bees; hives which don't meet code; and deceased or abandoned hives.

				thereto.		
Kenmore	Yes	50 hives (per code 1 hive houses 1 colony of bees) for lots 5 acres and under; no limit on lots over 5 acres	No	No	Colonies must be in movable frame hives. Adequate space must be provided to prevent overcrowding and swarming. Colonies must be "requeened" following any swarming or aggressive behavior. Must register colony with State Department of Agriculture.	Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.
Kent	Yes	4 hives, each with only 1 swarm on lots under 10,000 sf.	-	25 feet of any property line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge 6 feet high parallel to any property line within 25 feet of a hive and extending at least 25 feet beyond the hive in both directions.	-	-
Kirkland	Yes	2 hives for lots under 15,000 sf; 5 hives for lots 15,000 to 35,000 sf; 15 hives for lots over 35,000 sf	7,200 sf	25 feet with the following exceptions; however, hives may be closer than 25 feet if: Situated 8 feet or more above adjacent ground level; or Situated less than 6 feet above adjacent ground level and behind a solid fence or hedge 6 feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.	Colonies must be in movable frame hives. Adequate space must be provided to prevent overcrowding and swarming. Colonies must be "requeened" following any swarming or aggressive behavior. Must register colony with State Department of Agriculture.	Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.

Lynnwood	No	-	-	-	-	-
Mill Creek	No	-	-	-	-	-
Mount Vernon	No	-	-	-	-	-
Redmond	Yes	2 hives per lot for R-4, R-5, and R-6 zones and 4 hives per lot for R-1, R-2, or R-3.	-	25 feet with the following exceptions: When situated 8 feet or more above adjacent ground level; or when there is a solid fence at least 6 feet high separating the hive from the property line, extending at least 20 feet from the hive along the property line in both directions.	Colonies must be maintained in small movable frame hives. Adequate space must be maintained in the hives to prevent overcrowding and swarming. Colonies shall be requeened with a young hybrid queen annually, or as often as necessary to prevent any swarming or aggressive behavior. Must register colony with State Department of Agriculture.	Bees living in trees, buildings or any other space (except in movable frame hives), abandoned colonies or diseased bees.
Renton	Yes	3 hives per lot with an additional hive for every additional 10,000 square feet of lot size. Only 1 swarm is allowed per hive.	7,500 sf; lot size may be reduced to 4,500 sf if either of the following conditions are met: Hives are kept at least 8 feet above or below the grade of abutting properties ; or hives are kept behind a minimum 6 feet tall hedge or solid fence that runs	25 feet from an interior lot line, with each hive's entrance facing away from the nearest property line.	Hives shall be maintained to avoid overpopulation and minimize swarming, for example by requeening regularly, so as not to become a nuisance. Hives must be in rear or side yards, or on rooftops. Hives shall be marked or identified to notify visitors. A source of fresh water (such as a fountain) must be located within 10 feet of the hive.	

			parallel to any property line within 25 of a hive.			
Seattle	Yes	-	-	-	Colonies must be in movable frame hives. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. Colonies shall be requeened following any swarming or aggressive behavior. Must register colony with State Department of Agriculture.	Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies; or diseased bees.
Spokane	Yes	1 colony per 4,350 sf of lot area up to 8 total colonies.	-	25 feet with the following exceptions: The beehives are isolated from public access by a security fence; and the beekeeper establishes and maintains a flyway barrier at least 6 feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the colony; or the colony is situated 10 feet or more above the grade of the nearest adjoining property line.	Colonies must be in movable frame hives. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. In any instance in which a colony exhibits aggressive or swarming behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Must register colony with State Department of Agriculture. The beekeeper shall have completed the requirements for apprenticeship level of the Washington State Beekeeper's Association master beekeeper certification program.	-