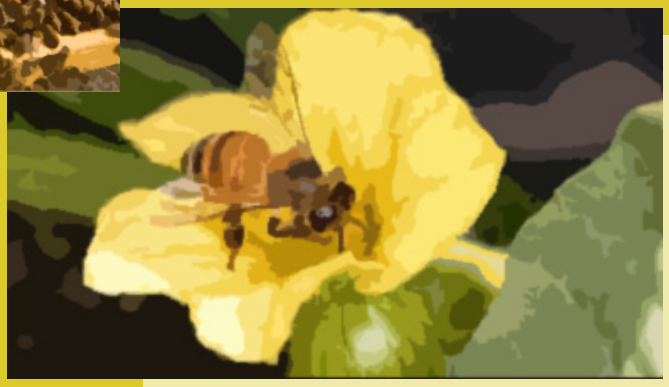
Urban Agriculture and

Backyard Beekeeping

Amended November 2018



A Blueprint Developed by the Cass Clay Food Partners

Backyard Beekeeping

This issue brief will provide background information related to urban beekeeping, and address the common concerns and benefits from a health, environment, social, and economic standpoint. The brief will also address how each concern can be remedied through ordinance language and education. Appendices have been provided to share how regional jurisdictions are addressing backyard beekeeping, example policy language from other jurisdictions, and educational material on bee stings.

Background

In 2014, the USDA issued a report declaring we are in a "critical time for efforts" to support our honey bee populations, since these populations have been in decline for decades. The bee colonies in the U.S have decreased from 6 million in 1947 to 2.5 million today.[1] No one knows the reason for the sharp decline, although some suspect colony collapse disorder (CCD) caused by a combination of environmental stressors such as bacteria, viruses, parasites, and pesticides.[2]

Beekeepers and citizens are concerned about colony collapse since bees are responsible for up to one-third of the food eaten by U.S. consumers.[3] With concerns about CCD, encouraging new research suggests that bees are thriving in urban environments due to the diversity of plants in urban areas compared to farmland, where much of it consist of large swaths of a single crop (known as monocropping).[4]

The popularity of urban beekeeping has grown rapidly, and in the past few years, cities such as Chicago, Denver, Salt Lake City, and Duluth, MN have begun issuing permits for backyard hives.

The following are common issues addressed in local ordinances:

- Number of hives permitted
- Permit and fee process
- Hive restrictions
- Location on the lot (e.g. backyard)
- Removal of beekeeping equipment and bee combs from apiary* grounds to prevent robbing**
- Equipment requirements (e.g. hives with removable frames and in sound condition)
- Flyway barriers***
- Source of fresh water
- Setback distances
- Minimum lot size
- Rooftop considerations
- Nuisance clause
- Re-queening an aggressive colony
- Hive clearly marked with owner's contact information/permit number
- Hive disposal
- Educational requirements (e.g. beginner beekeeping class)

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[1] USDA [online]. 2014. USDA Provides $8 Million to Help Boost Declining Honey Bee Population. Accessed 2015 January 21. http://www.usda.gov/wps/portal/usda/usdahome?contentid=2014/06/0130.xml

[2] Bartholomew, D. 2014. Los Angeles Daily News [online]. Accessed 2015 January 21. http://www.dailynews.com/environment-and-nature/20140308/los-angeles-may-join-other-cities-allowing-backyard-beekeeping

[3] Roach, J. 2004. Bee Decline May Spell End of Some Fruits, Vegetables. National Geographic [online]. Accessed 2015 January 21. http://news.nationalgeographic.com/news/2004/10/1005_041005_honeybees.html

[4] University of Bristol. 2015. Study shows urban habitats provide haven for UK bees [online]. Cabot Institute. Accessed 2015 Feb 23. http://www.bris.ac.uk/cabot/news/2015/urban-haven.html.

- ➢ Violation or penalty
- ➢ If honey and other products can be bought/sold or only consumed by owner

**Apiary: place where honey bee hives or colonies are kept*
***Robbing: pilfering of honey from a weak colony by other honey bees or insects*
****Flyway barrier: an obstacle like a fence, wall, or vegetation used to force bees to fly upwards when they leave the hive to avoid contact with people and reduce the risk of stinging*

Table 1. Summary of beekeeping approval in local jurisdictions (as of November 2018)*

Moorhead	Dilworth	Clay County	Fargo	West Fargo	Cass County	Horace
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed

**Contact planning/permitting authority in each jurisdiction for clarification on zoning regulations.*

Table 2. Framework for evaluating urban beekeeping

DOMAIN	BENEFIT	CONCERN
Health	Increases easy access to nutritious food source	Allergies to bee stings
Environment	More fruitful gardens and plants due to increased bee pollination Increase in biodiversity Helps support dwindling honeybee populations	
Economic	Furnish individuals and families with honey, wax and other useful products Potential for individuals to sell honey Increased pollination of food crops	Cost of permitting fee, setting up a hive and the equipment may be cost prohibitive for low-income families Jurisdiction cost of monitoring and addressing issues
Social	Increased awareness of the food cycle and connection to agriculture Provide a positive family activity	Fear of getting stung Nuisances include occasional stinging when they feel threatened, swarming, and gravitating to nearby shallow bodies of water

Table 3. Common urban beekeeping concerns addressed

CONCERN	MORE INFORMATION	POSSIBLE SOLUTIONS
Bee sting	One of the key concerns regarding urban beekeeping is the fear of being stung. See Appendix C for a handout that addresses common misconceptions about bee stings and may be a useful resource for citizens and beekeepers. Yellow jackets are the most aggressive and prone to stinging. Honey bees, by contrast, are the least likely to attack because honey bee strains have been bred for traits like gentleness and reduced swarming. A majority of individuals are allergic to yellow jackets, not honey bees.	Public education is crucial to minimizing the fear of stinging. Most ordinances require a six-foot tall flyway barrier at the hive exit which forces bees to fly up and away, reducing their contact with humans. Many ordinances have requirements, such as: 1. The barrier be located a certain number of feet from the hive (e.g. 3-5 ft.) 2. It extends anywhere from 2-10 feet on either side of the colony 3. No barrier required if the hive is a certain number of feet (e.g. 15-30 ft.) from the property line or located on porches or balconies at least 10 feet high and five feet from the property line.
Cost for low-income families		Part of the Metropolitan Food Systems Plan is addressing issues of food access. Possible barrier reduction could include funding and management from outside sources, like a non-profit, to cover the startup costs.
Gravitating toward bodies of water		Most ordinances require urban beekeepers to provide a water source for their colonies during the non-dormant period to minimize the nuisance to surrounding property owners.

Resource

If you have questions, please contact Kim Lipetzky with the Fargo Cass Public Health Office at 701-241-8195 or klipetzky@fargond.gov.

Appendix A: Backyard Beekeeping in Regional Jurisdictions

Bismarck, ND

Beekeeping is not addressed in their zoning code, so it is not permitted.

Duluth, MN

Urban beekeeping is permitted. See appendix B for ordinance language.

Grand Forks, ND

Urban beekeeping is not addressed in any city ordinance, so it is currently allowed unless there is a nuisance complaint (stinging, swarming, etc.). Beekeepers must follow the state beekeeping code and have their hives registered with the state. (See Appendix B for the ND state beekeeping code.)

Lincoln, NE

Allows for urban beekeeping with common restrictions (setbacks, flyway barrier, number of hives, etc.).

Mankato, MN

Urban beekeeping is prohibited.

Rochester, MN

Urban beekeeping is not addressed, therefore not permitted.

Sioux Falls, SD

Beekeeping is only allowed in agricultural districts and not permitted residentially.

Appendix B: Example Ordinances

Boston, MA (population 645,966)

SECTION 89-10. Accessory Keeping of Honey Bees.

1. Use Regulations. For proposed ground level or roof level Hives, see Underlying Zoning for applicable use regulations.

(a) For all areas covered under the Base Code, see Article 8 – Use No. 76.

(b) For all other areas not covered under the Base Code, see Use Regulation Table in specific Article.

(c) Where the Accessory Keeping of Animals is a Conditional Use in the applicable Underlying Zoning, the Board of Appeal shall not grant a Conditional Use Permit for the Accessory Keeping of Honey Bees unless the following conditions are met.

2. Maximum Number of Hives.

(a) The maximum number of Hives on any given Lot or roof for personal consumption of Honey Bee products shall be two (2).

3. Maximum Height and Size.

(a) No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.

4. Specific Ground Level Beekeeping Requirements.

(a) Setbacks.

i. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5) feet from the property line.

ii. Hives shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial Districts and Subdistricts.

iii. No Hive shall be located closer than ten (10) feet from a public sidewalk.

(b) Hive Placement and Flyways.

i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

5. Specific Rooftop Beekeeping Requirements.

(a) Setbacks.

i. Hives shall be set back six (6) feet from the edge of the roof.

(b) Hive Placement and Flyways.

i. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

6. Compliance with State and Local Laws.

(a) All beekeeping shall comply with applicable State and local laws and regulations.

Duluth, MN (population 86,128)

Sec. 6-80.1. Keeping of honeybees.

(a) Each person holding a license to keep honeybees within the city of Duluth shall comply with the following

(1) No more than five hives may be located on a lot;

(2) No hive shall exceed 20 cubic feet in volume

(3) A constant supply of water shall be provided for all hives, except during the dormant period;

(4) No ground hive shall be located closer than five feet from any property line;

(5) No ground hive shall be located closer than 15 feet from a public sidewalk or 30 feet from a principal building on an abutting lot;
(6) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex to each end point of the part of the property line to be shielded;
(7) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

Minneapolis, MN (population 400,070)
74.80. - Keeping of honeybees.
(a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.
(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, Minneapolis Animal Care and Control may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.
(c) Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and has provided evidence of notification to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of Minneapolis Animal Care and Control. If the applicant is a renter, approval from the property owner will be required. Neighbor notification will be the responsibility of the property owner, though it may be carried out by the applicant.
(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars ($100.00) which shall be paid at the time of application. There shall be no fee for annual renewal but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by Minneapolis Animal Care and Control. Failure to provide such renewal may result in an inspection and penalties including citation and revocation of permit. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.
(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.
(f) Definitions. As used in this section:

(1) Apiary means the assembly of one (1) or more colonies of honeybees at a single location.
(2) Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.
(3) Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
(4) Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
(5) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.
(6) Honeybee means all life stages of the common domestic honeybee, Apis mellifera species of European origin.
(7) Lot means a contiguous parcel of land under common ownership.
(8) Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
(9) Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) Standards of practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

(1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
(2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
(3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
(4) For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths-inch depth ten-frame hive body with no supers.
(5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
(6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop so as to be inaccessible to the general public 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.
(7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify Minneapolis Animal Care and Control so that the hives may be made available to an approved honeybee rescue entity, or, if necessary, disposed of by Minneapolis Animal Care and Control. There shall be a fifty dollar ($50.00) fee for disposal of hives.

(h) Colony density. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

(1) Except as otherwise provided in this chapter, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.
(2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
    a. One-half (½) acre or smaller lot: Two (2) colonies;
    b. Larger than one-half (½) acre but smaller than three-quarter (¾) acre lot: Four (4) colonies;
    c. Larger than three-quarter (¾) acre lot but smaller than one (1) acre lot: Six (6) colonies;
    d. One (1) acre but smaller than five (5) acres: Eight (8) colonies;
    e. Larger than five (5) acres: As determined by Minneapolis Animal Care and Control.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.
(4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice

established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.
(i) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property or, if a single-family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery, or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives.

Minnesota State

Note: A few years ago the Minnesota Honey Producers Association, Inc. lobbied the MN state legislature to repeal the Apiary Statute Chapter 19. They were successful so there is no longer a general state statute regarding apiaries.

17.445 INSPECTIONS AND SERVICES; FEES.

Subdivision 1. Definitions.

For the purposes of this section, the definitions in this subdivision have the meanings given them.
(a) "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.
(b) "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax, which may be used in an apiary or in transporting bees and their products and apiary supplies.
(c) "Bees" means any stage of the common honey bee, Apis mellifera (L).
(d) "Commissioner" means the commissioner of agriculture or the commissioner's designees or authorized agents.

Subd. 2. Purpose.

To ensure continued access to foreign and domestic markets, the commissioner shall provide requested bee inspections and other necessary services.

Subd. 3. Inspections and other services.

On request, the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services.

Subd. 4. Fees.

The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing the inspections and services in subdivision 3. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged. All fees and charges collected under this section shall be deposited in the state treasury and credited to the agricultural fund. Revenue from inspection fees and other charges deposited in the agricultural fund, including any interest earned, is appropriated to the commissioner to perform the services provided for under this section.

18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, scientific name, variety, place of origin, hardiness zone as defined by the United States Department of Agriculture, and growth habit.
(b) All nonhardy nursery stock as designated by the commissioner must be labeled correctly for hardiness or be labeled "nonhardy" in Minnesota.
(c) A person may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.
(d) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.
(e) A person selling at retail or providing to an end user may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock has:
(1) been treated with a systemic insecticide that:
(i) has a pollinator protection box on the label; or
(ii) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label; and

(2) a concentration in its flowers greater than the no observed adverse effect level of a systemic insecticide.
The commissioner shall enforce this paragraph as provided in chapter 18J.
(f) For the purposes of paragraph (e):
(1) "systemic insecticide" means an insecticide that is both absorbed by the plant and translocated through the plant's vascular system; and
(2) "no observed adverse effect level" means the level established by the United States Environmental Protection Agency for acute oral toxicity for adult honeybees.

North Dakota State
CHAPTER 04.1-16 BEEKEEPING
4.1-16-01. Definitions.
In this chapter, unless the context otherwise requires:

1. "Apiary" means the site at which one or more colonies of bees are kept.
2. "Bee" means a honey-producing insect of the genus Apis, including all stages of its life.
3. "Beekeeper" means a person who by virtue of ownership or a lease is responsible for the maintenance of bees located in or placed in this state.
4. "Colony" means a familial group of adult bees consisting of drones, workers, and a queen.
5. "Hive" means a manmade structure that houses a colony.

4.1-16-02. Beekeeper's license - Application - Declaration.

1. Before a person may act as a beekeeper in this state, the person must be licensed by the agriculture commissioner.
2. To obtain a beekeeper's license, a person must complete an application and submit it to the commissioner.
3. The application must include:
    a. The applicant's name, address, and telephone number;
    b. The maximum number of colonies to be located in or placed in this state; and
    c. The name, address, and telephone number of a resident agent who is authorized to accept service of process.
4. As a condition of licensure, the applicant shall declare that:
    a. An apiary will not be placed at a location without first obtaining the consent of the property owner; and
    b. An apiary will be relocated at the request of the agriculture commissioner if:
        i. The commissioner, after examining documentary evidence, has determined that the health or welfare of an individual is endangered as a result of the apiary's location;
        ii. The individual referenced in paragraph 1 resides on land contiguous to that on which the apiary has been placed;
        iii. The commissioner has identified another acceptable location for placement of the apiary; and
        iv. There are no other contractual or other legal impediments to the relocation.

4.1-16-03. Beekeeper's license - Application of minor - Liability.
An individual who is less than eighteen years of age may be licensed as a beekeeper, if that individual's application for license is signed by the individual's parent. Any civil or administrative liability for a violation of this chapter by a beekeeper who is less than eighteen years of age is imputed to the parent who signed the application. The parent is jointly and severally liable with the beekeeper.
4.1-16-04. Beekeeper's license - Transferability - Expiration.

1. A beekeeper's license issued under this chapter is not transferable.
2. A beekeeper's license issued under this chapter expires on December thirty-first.

4.1-16-05. License - Grounds for denial.
The agriculture commissioner may refuse to grant a license to any person who:

1. Has repeatedly violated this chapter;
2. Failed to pay an adjudicated civil penalty for violating this chapter, within thirty days after a final determination that the civil penalty is owed; or
3. Provided false or misleading information in connection with any application or notification required by this chapter.

4.1-16-06. License fee.

The fee for a beekeeper's license is five dollars.

4.1-16-07. Colony assessment.

In addition to the license fee required by section 4.1-16-06, an applicant for a license must submit a colony assessment in an amount equal to fifteen cents multiplied by the maximum number of colonies listed in the application.

4.1-16-08. Apiary location - Notification.

1. Before placing or locating hives in this state, a beekeeper shall notify the agriculture commissioner of:
    a. The location of each apiary to the nearest section, quarter section, township, and range, and, if within the corporate limits of a city, the number or name of the lot, block, and addition in the city; or
    b. The location of each apiary using satellite navigation system coordinates; and
    c. The name of the person who owns or leases the property on which the apiary is located.
2. The notification required by this section may be provided to the commissioner in written or in electronic format.

4.1-16-09. Identification of apiary.

1. A beekeeper shall identify each apiary for which the beekeeper is responsible by:
    a. Affixing a three-digit identification number, assigned by the agriculture commissioner, to the uppermost box of a hive that is visible upon approach to the apiary's main entrance, provided each digit is at least three inches [7.62 centimeters] high, one-half inch [1.27 centimeters] wide, and weather-resistant; and
    b. Displaying the beekeeper's name and phone number in a location that is visible upon approach to the apiary's main entrance, provided the numbers and letters used are at least one and one- half inches [3.81 centimeters] high and weather-resistant.
2. Any apiary that is not identified, as required by this section, may be subject to seizure by the commissioner.

4.1-16-10. Unidentified apiary - Notice - Seizure.

1. If the agriculture commissioner determines that an apiary is not identified, as required by section 4.1-16-09, and if after making a reasonable effort the commissioner fails to identify the beekeeper responsible for the apiary, the commissioner shall publish in the official newspaper of the county in which the apiary is located, a notice indicating that at a time certain, all of the colonies, the hives, including their content, and all beekeeping equipment present at the apiary, will be seized and sold at auction or destroyed, unless the beekeeper or other responsible person appears to claim the property and pay for any costs incurred by the commissioner under this section.
2. A seizure under this section may not occur until at least the sixth day after the date of the published notice.

4.1-16-11. Confiscation and disposal.

Except as provided for in section 4.1-16-10, the agriculture commissioner or a law enforcement officer may confiscate bees, hives, or beekeeping equipment, being transported or maintained in violation of this chapter. Any bees, hives, or beekeeping equipment, confiscated under this section, must be disposed of pursuant to a court order or an administrative order issued by the commissioner.

4.1-16-12. Agriculture commissioner - Powers.

The agriculture commissioner may:

1. Assist farmers in identifying beekeepers who provide pollination services; and
2. Enter upon private land during daylight hours, for the purpose of enforcing this chapter. Except when conducting an inspection in accordance with section 4.1-16-13, the commissioner shall first make a good faith effort to notify the owner of the land or a lessee regarding the entry.

4.1-16-13. Agriculture commissioner - Inspection of apiary - Issuance of certificate.

At the request of a beekeeper, the agriculture commissioner shall inspect an apiary for the purpose of issuing a certificate of inspection or other official document or validation. The commissioner may charge a fee to cover the costs of inspecting an apiary under this section.

4.1-16-14. Agriculture commissioner - Inspection of apiary - Noncertification purposes.

The agriculture commissioner may:

1. At the request of a beekeeper, inspect apiaries for any purpose other than the issuance of a certificate of inspection or other official document or validation; and
2. Charge a fee to cover the costs of inspecting an apiary under subsection 1.

4.1-16-15. Quarantine - Declaration - Hearing - Penalty.

1.

a. If the agriculture commissioner determines that a quarantine of this state or any portion thereof may be necessary to eradicate or control the spread of disease, insects, or pests, within the apicultural industry, the commissioner shall schedule a public hearing on the matter and provide notice of the hearing by publishing its time, place, and date in the official newspaper of each county having land within the proposed quarantine area.
b. If after the hearing the commissioner orders the imposition of a quarantine, the order must include the date by which or the circumstances under which the commissioner shall lift the quarantine order.

2. If the commissioner determines that the imposition of an emergency quarantine is necessary to eradicate or control the spread of disease, insects, or pests, within the apicultural industry, the commissioner may impose such an order for a period not exceeding fourteen days. Within the fourteen-day period, the commissioner shall hold a public hearing as provided for in subsection 1 and determine whether a quarantine order under subsection 1 should be imposed.
3. Following the establishment of a quarantine, the movement of any colonies, hives, or other beekeeping equipment, described in the quarantine order, is subject to the order.
4. For purposes of this section, "insects" include Africanized honeybees.

4.1-16-16. Service of process.

If neither the beekeeper nor the beekeeper's registered agent can be located for the purpose of serving process, in connection with a violation of this chapter or rules adopted to implement this chapter, the agriculture commissioner becomes the statutory agent for service of process and any service upon the commissioner is deemed to be complete.

4.1-16-17. Penalties.

1. A person violating this chapter is guilty of a class A misdemeanor.
2. In addition to criminal sanctions that may be imposed pursuant to subsection 1, a person found to have violated this chapter or rules adopted under this chapter is subject to a civil penalty not to exceed five thousand dollars per violation. The civil penalty may be adjudicated by a court or by the agriculture commissioner through an administrative hearing pursuant to chapter 28-32.
3. The commissioner may maintain a civil action in the name of the state against any person violating this chapter.
4. The violation of any condition of licensure, as set forth in section 4.1-16-02, is deemed to be a violation of this chapter.

4.1-16-18. Beekeeping - Agricultural practice.

Beekeeping is deemed to be an agricultural practice.

http://www.legis.nd.gov/cencode/t04-1c16.pdf?20150702140731

Salt Lake City, UT (population 191,180)

Chapter 8.10 BEEKEEPING

8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

8.10.040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

8.10.050: HIVES:
A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.
C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
8.10.060: FLYWAYS:
A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.
8.10.070: WATER:
Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
8.10.080: BEEKEEPING EQUIPMENT:
Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:
In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.
8.10.100: VIOLATIONS:
A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04 510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

Littleton, CO (excerpt from ordinance)
(G) Queens: In any instance in which a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

Appendix C: Bee Sting Educational Material

Photo Kelvin MacPhail

Bee Facts

Native bees are mostly small and go unnoticed. Bumblebees are colourful giants compared with most bees.

- Less than half of the world's bees are capable of stinging. Only female bees sting.
- Foraging bees collect pollen and nectar to feed their young and themselves. They are not flying around looking for someone to sting!
- You are completely safe watching bees as they fly from flower to flower.
- Most bees only sting if you pinch or step on them, or if they get caught in clothing.
- Honeybees and some bumblebees are defensive within 3 to 6 meters of their nests. Keep back.
- Keep children from disturbing bee nests.
- Ground-nesting yellow jackets will usually leave you alone if you leave them alone, but they are more likely to sting than pollinating bees, which are the ones that get the blame.
- Yellow jackets are minor pollinators. The best approach to eliminate yellow jackets is to set queen traps in the spring before they establish new nests.

The **North American Pollinator Protection Campaign (NAPPC)** is a collaborative body of over 140 organizations that work for the protection of pollinators across Mexico, Canada and the United States.

The **NAPPC Garden Task Force**, with further support from **Wildlife Preservation Canada**, produced this brochure for your use and information to learn about the fascinating lifestyles of native solitary bees and social bees like the bumblebees or the honeybees.

Feedback is welcome.

For more information and resources or to order more brochures contact

Pollinator Partnership
info@pollinator.org
415-362-1137
www.pollinator.org
or
Wildlife Preservation Canada
admin@wildlifepreservation.ca
1-800-956-6608,
www.wildlifepreservation.ca

North American Pollinator Protection Campaign
NAPPC
POLLINATOR PARTNERSHIP CANADA
Ontario
Wildlife Preservation Canada
RECOVERY • CONSERVATION • KNOWLEDGE

Inviting Bees to Your Property

No Fear of Stings!

Prepared by the Garden Task Force of the North American Pollinator Protection Campaign (NAPPC) Canadian Version

Photo Paul Williams

Bees and Other Pollinators are Your Gardening Friends: But, Won't I Get Stung?

Humans could not exist without pollinating insects, especially solitary bees, bumblebees, and honeybees. Pollinators provide humankind with 35% of our diet along with beverages, fibers, and medicines. Colourful fruits and vegetables containing nutrients and health-giving anti-oxidants sustain us and give us pleasure. Without bees, our diets would be restricted to bland starchy foods, wind-pollinated cereal grains.

Many people are wary, if not fearful, of insects such as bees and wasps. We don't like to get stung. Less than 1% of Canadians have actual sting allergies from bees, wasps, and ants which could, if untreated, lead to systemic reactions. The risk of a sting from bees in your yard or garden is very small, especially with a bit of advance knowledge.

This brochure will help reduce your insect anxiety while promoting an outdoor lifestyle that could include walking, hiking, gardening, taking photographs, or appreciating the beauty of wildflowers and nature. By trying some of these simple tips you may come to appreciate the beauty and fascination of watching pollinators at work.

Photo Kelvin MacPhail

More About Bees and Avoiding Stings

Social vs. Solitary – Two Kinds of Bees

Social bees live together as a unit. This includes honeybees which form a colony and divide the work of the hive into different jobs and bumblebees who live in small colonies but do not have individualized job descriptions. Think of solitary bees, mostly ground-nesting bees, as single moms with families at home to feed. Male bees will also visit flowers but only collect nectar as flight fuel. Foraging bees are solely focused on gathering food.

The Stinging Truth

Unlike cartoons and movies, bees are not flying around looking for people and pets to sting. You can safely get within 10-15 cm of bees visiting flowers and not get stung. People get stung when they harass bees at their nests, step on or pinch them, or if bees become entangled in folds of clothing. Stay away from social bee nests (honeybees, bumblebees) which are usually found in a beekeeper's hive, in tree cavities or underground.

Non-Allergic Reactions

In most cases, bee stings are annoying, but do not require treatment. Swelling or pain at the sting site are not the result of allergic reactions and will diminish with time. If you are stung by a honeybee, remove any stinger that remains by scraping it away (a credit card works perfectly) or removing it with a tweezer. Our other Canadian bees do not leave stingers behind. Apply an ice pack to reduce swelling. Wash the area with soap and water and apply hydrocortisone. Take an antihistamine to reduce swelling.

Allergic Reactions

Some people may have an allergic reaction after being stung (even some who do not know they are allergic to stings). Only a very small proportion of people (about 1-2% of the Canadian population) are at risk of anaphylactic shock because of a food or insect allergy, with food allergies being a much more frequent trigger than insect stings. However, if someone experiences nausea, wheezing, or difficulty breathing following a sting, or if they are stung multiple times, they should seek immediate medical care. This is rare, but is an early systemic symptom of anaphylactic shock.

You are more likely to drown in a bath-tub than suffer a fatality from a bee sting. For example, according to Statistics Canada, during the ten year period from 2000 through to 2009, only 35 Canadians died because of contact with hornets, wasps and bees (10 times that number drowned in a bath-tub). Indeed, many of these incidents are actually from wasp stings. Ground-nesting yellow jacket wasps (Vespula species) in particular are defensive around their populous nests and cause the most stings.

What About "Killer Bees"?

African honeybees (*Apis melifera scutellata*) were accidentally unleashed on the Americas and have mated with the existing honeybees to form Africanized honeybees, a very effective pollinator which has a more defensive nature than other honeybees. However, these bees are currently only found in about 6 southern border states in the U.S. and in Mexico; thus they are not a concern for Canadian gardeners and outdoor enthusiasts.

Reduce that Risk – Safety Tips

Nests: Keep back from honeybee nests. Watch from a safe distance of 6 meters. Many of our native bees nest in the ground, including in lawns, fields, and trails. However, these bees are generally not a concern, and you likely walk over their nests without even knowing they are there. Indeed, some solitary bees have been called "tickle bees" by school children. Don't let children throw rocks at bee or wasp nests.

Actions: Try not to wear dark clothing, strong perfume, or move quickly when passing by honeybee nests. These actions, along with carbon dioxide in exhaled breath, could stimulate the guard bees to sting. Also, do not swat at a bee or wasp that is near you, as this may aggravate it. If you leave it alone, it will likely leave you alone.

Help Bees and They will Help You

Garden tips: When we mulch pathways or landscape with large areas of concrete, we destroy the sunny flat bare ground areas that most nesting female bees need to raise their young. Leave bare patches for ground nesting bees. Provide

bare ground, twigs, and dead branches for nests and lots of flowers for nectar and pollen. Use few or no pesticides in a pollinator garden, or spray when bees aren't active. Try to use locally adapted native wildflowers or old-fashioned heirloom varieties, which produce more nectar and pollen than modern hybrids. Plant in enticing clumps of 5 or 6 plants of the same kind. In turn, you will be rewarded with bountiful crops and a healthy lifestyle by being outdoors. If you are growing a vegetable garden, or have fruit trees, pollinating bees are your allies. They do the busy work, making thousands of trips moving pollen from flower to flower resulting in larger and tastier vegetables and fruits even in varieties that normally self-pollinate.