

## ORDINANCE NO. 961

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BEEKEEPING, ADOPTING DEFINITIONS, ADDRESSING HIVE PLACEMENT; DECLARATING NUISANCES, DESCRIBING ENFORCEMENT PROCEDURES, VIOLATIONS AND PENALTIES, ESTABLISHING AN APPEAL PROCESS, ADDING A NEW CHAPTER 6.10 TO THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the City acknowledges that where beekeeping exists next to residentially-developed property, beekeeping occasionally becomes the subject of nuisance complaints; and

WHEREAS, the City further acknowledges that in some instances, residential property owners may have medical conditions caused by bee stings that would constitute a higher than normal hospitalization or death-threatening event; and

WHEREAS, where beekeeping jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety, the City desires to control beekeeping as a nuisance under the procedures in this Ordinance; and

WHEREAS, the City SEPA Responsible Official issued a Determination of Non-significance under SEPA for this Ordinance on April 23, 2004; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of June 14, 2004; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 6.10 is hereby added to the Gig Harbor Municipal Code, to read as follows:

#### **BEEKEEPING**

##### **Sections:**

- 6.10.010 Policy and Purpose.**
- 6.10.020 Definitions.**
- 6.10.030 Beekeeping – Maintenance of Colonies.**
- 6.10.040 Hive Placement.**
- 6.10.050 Nuisance Declared.**

- 6.10.060      Enforcement.**
  - 6.10.070      Violation – Penalty.**
  - 6.10.080      Appeals.**
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#### **6.10.010. Policy and Purpose.**

A. Where beekeeping and non-agricultural uses exist side-by-side, beekeeping occasionally becomes the subject of nuisance complaints. It is the intent of this Chapter to clarify the circumstances under which beekeeping shall be considered a nuisances.

B. This chapter is intended to address beekeeping complaints on individual properties, by either the withdrawal of beekeeping privileges or abatement through statutory nuisance procedures.

C. This chapter is intended to be supplemental to the procedures in chapter 15.60 RCW, and in case of any conflict, chapter 15.60 RCW shall govern.

#### **6.10.020. Definitions.**

As used in this Chapter, the following definitions shall apply:

A. "Abandoned hive(s)" means any hive with or without bees, that evidences a lack of being properly managed, or is otherwise not managed and/or left without authorization on the property of another, or is on public land.

B. "Apiary" means a site where hives of bees or hives are kept or found.

C. "Colony" means a natural group of bees having a queen(s).

D. "Fence" means any obstruction through which bees will not readily fly.

E. "Hive(s)" means a manufactured receptacle or container prepared for the use of bees, including movable frames, combs, and substances deposited into the hive by bees.

F. "Honey bee(s)" means any life stages of the species *Apis Mellifera*.

#### **6.10.030. Beekeeping – Maintenance of Colonies.**

A. Honey bee colonies shall be maintained in the following condition:

1. All honey bee hives shall be registered with the Washington State Department of Agriculture and comply with Chapter 15.60 RCW and Rules adopted thereunder.

2. Colonies shall be maintained in movable-frame hives, unless exempted by the Washington State Department of Agriculture as an educational exhibit.

3. Adequate handling techniques, such as requeening, should be employed, and adequate space in the hive should be maintained in order to minimize swarming.

4. Apiaries shall be managed and kept in a clean and orderly condition.

**6.10.040. Hive Placement Requirements.** Hives in all areas of Gig Harbor shall adhere to the following:

A. Hives shall be at least 30 feet away from a property line, with the hive(s) entrance(s) facing away from or parallel to the nearest property line.

B. Beekeeping privileges may be withdrawn from any property by written notification to the property owner by the Gig Harbor City Council. Withdrawal must be done with cause, however, the cause need not be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. Any condition or combination of circumstances, which, the City Council determines jeopardizes, endangers or otherwise constitutes an actual or potential menace to public health or safety will constitute valid cause to withdraw the beekeeping privileges on any property. The procedure for the withdrawal of beekeeping privileges is set forth in Section 6.10.070 herein.

C. 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.

**6.10.050 Nuisance Declared.** It shall be the duty of all persons keeping hives of honey bees or having other stinging insects as described below, in or upon their property or premises, to prevent the following:

A. 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.

B. Hives of bees which do not conform to GHMC Section 6.10.040.

B. An abandoned hive(s).

D. All other nests (colonies) of stinging insects such as yellow jackets, hornets, bumblebees and wasps which exhibit objectionable behavior or interfere with normal use of property, or the enjoyment of persons, animals or adjacent property.

E. All nests, hives, or colonies of Africanized honey bees (*Apis Mellifera Scutellata*) except those which are permitted in RCW 15.60.140.

Each of the above-described conditions shall constitute a nuisance pursuant to RCW 9.66.010, and may be abated by the City of Gig Harbor, pursuant to chapter 9.66 RCW. In the alternative, the City may determine that each of the above-describe conditions shall constitute a nuisance pursuant to RCW 7.48.130, and may be abated by the City of Gig Harbor, pursuant to chapter 7.48 RCW.

#### **6.10.060. Violation – Penalty.**

Any person, firm or corporation in determined by a court of competent jurisdiction to be in violation of any provision of this Chapter shall, upon conviction thereof, be guilty of a misdemeanor. The penalty for such violation shall be imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in amount fixed by the court in an amount of not more than \$5,000, or by both such fine and imprisonment.

In the alternative, the City may seek to abate the nuisance and obtain civil penalties consistent with RCW 7.48.250.

#### **6.10.070 Withdrawal of Beekeeping Privileges.**

Beekeeping privileges may be withdrawn from any property under the following procedures:

A. A complaint may be filed regarding beekeeping on any property in Gig Harbor. This complaint shall be forwarded to the Gig Harbor Administrator for scheduling on the Gig Harbor City Council meeting schedule. Notice shall be provided to the complainant and the affected beekeeper that the City Council will hold a hearing for the purpose of determining whether the affected beekeeper's privileges should be withdrawn.

B. The City Council shall hold a public hearing on the complaint. A complainant may submit written documentation over a medical doctor's signature certifying that a medical condition caused by honeybee stings to a resident of abutting property would constitute a potential life-threatening systemic reaction or hospitalization event. The City Council's verification of the written documentation

shall constitute sufficient cause to withdraw the privilege of beekeeping from any specific abutting property. In addition, abnormally aggressive behavior by bees toward defending their hive beyond the property line may constitute sufficient cause to withdraw the privilege of beekeeping from any specific property. The Council will accept public testimony and after the close of the public hearing, deliberate on the matter.

C. After the close of the public hearing, the City Council shall direct the City Attorney to draft a written decision on the complaint. This written decision may withdraw beekeeping privileges from any property in the City, based on the evidence presented during the hearing. The decision will document the City Council's rationale for withdrawal of such privileges, including a description of the situation which jeopardizes, endangers or otherwise constitutes an actual, potential or feasible menace to public health and safety.

D. The written decision shall issue within 30 days of the public hearing on the complaint. It may be appealed to the Pierce County Superior Court within 21 days after issuance.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 14th day of June, 2004.

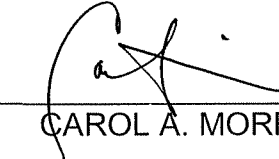
CITY OF GIG HARBOR

  
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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/5/03  
PASSED BY THE CITY COUNCIL: 6/14/04  
PUBLISHED: 6/23/04  
EFFECTIVE DATE: 6/28/04  
ORDINANCE NO: 621