**TOWN OF FAIRFAX**
**COUNCILMEMBER REPORT**

**To:** **Mayor and Town Council**

**Meeting Date:** **June 22, 2011**

**From:** **Vice Mayor Hartwell-Herrero**

**Subject:** **Discussion/Consideration of revising the Town Code to allow the use of a home hobbyist bee keeping for personal use and directing staff to return to Town Council on July 13, 2011 with amendment**

It is beneficial to our community to keep honeybees for the sake of pollination and to protect against the decline of pollinators. Without honeybees we would be left with only grains and roots on the dinner table. Barriers preventing backyard bee hobbyists are outdated and prevent open discussion of best practices. Most stings attributed to bees are actually from yellow jackets and other wasps.

Current situation -Per Town Code sections 17.076.030(A), 17.080.030(A) and 17.084.030(A), agricultural uses (staff currently interprets this to include bee keeping) in residential zones requires a Use Permit. The fee for a Use Permit is $813.00

**§ 17.076.030 CONDITIONAL USES AND STRUCTURES.**

Conditional uses and structures in the RS-7.5 zone are as follows:
(A) Agricultural uses, including crop and tree farming and viticulture, but not including the raising of animals or fowl for commercial purposes or the sale of any products on the premises;

**§ 17.080.030 CONDITIONAL USES AND STRUCTURES.**

Conditional uses in the RS-6 zone are as follows:
(A) Agricultural uses, including crop and tree farming and viticulture, but not including the raising of animals or fowl for commercial purposes or the sale of any products on the premises;

**§ 17.084.030 CONDITIONAL USES AND STRUCTURES.**

The following are conditional uses in the RD 5.5-7 zone:
(A) Agricultural uses, including crop and tree farming and viticulture, but not including the raising of animals or fowl for commercial purposes or the sale of any products on the premises

While the Town of Fairfax does NOT have a definition for "Agricultural uses" the county code is "**Agriculture (land use).** The breeding, raising, pasturing, and grazing of livestock, for the production of food and fiber; the breeding and raising of **bees**, fish, poultry, and other fowl; and the planting, raising, harvesting and producing of agricultural, aqua cultural, horticultural and forestry crops." This definition seems to include having fruit trees or vegetable gardens and it seems extreme to require a use

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permit for any home scale agricultural uses. Guidelines like the ones we have for the keeping of fowl are a better way to save staff time and get compliance.

The Town of Fairfax does have specific code regarding the keeping of fowl-

**§ 6.16.050 FOWL; PERMITTED LOCATION.**

It is unlawful for any person to keep or cause or permit to be kept or fed, within 25 feet of any window or door of any residence or dwelling within the town, any pigeon, dove, chicken, duck, turkey, goose or other fowl, or to permit any such fowl to enter or remain in any creek or standing water or to run or go upon the premises of any other person within the town.
(Prior Code, § 6.16.040)

State government code has strict guidelines and ordinances governing **professional** apiary activity in section 29000 of the **California FOOD AND AGRICULTURAL Code** and has exemptions for nine of less hives.

Throughout the region:
**BEEKEEPING RULES**
Rules on beekeeping vary throughout Marin County. Here's how some jurisdictions come down on the issue:
• Allowed for residential uses, provided a permit is obtained: San Rafael, Tiburon, Fairfax, Sausalito.
• Allowed, except for commercial uses (honey sales): Novato.
• Not allowed: Mill Valley.
• No regulations: Larkspur, San Anselmo, county of Marin.

In the News:

**Resident's beehive has Corte Madera neighborhood abuzz**
By Jessica Bernstein-Wax
Marin Independent Journal
Posted: 05/14/2011 05:24:00 PM PDT

Nicole Perullo had a beehive installed in her Corte Madera backyard last month so she could teach her three young children about ecology and boost the health of her vegetable garden. But last week a letter arrived from Corte Madera officials, saying a neighbor had complained about the bees — as well as her three pet chickens — and hives aren't allowed on her street anyway.

Perullo, who got her hive on April 1, said she had no idea beekeeping was illegal in her neighborhood on Prince Royal Drive.

"To me, that's something so natural that it didn't even occur to me that you would need a permit," Perullo said. "When I posted it on the Marin BUZZ (the Marin County Beekeepers email list), everybody was in shock and everybody started getting scared. A lot of people didn't know, and they're experienced beekeepers."

At a time of growing interest in backyard beekeeping, the rules in Marin County are all over the books, in some cases confusing local officials and keepers alike.

Corte Madera allows beekeeping in only certain districts with a conditional-use permit, as Perullo discovered; hers isn't one of them.

San Rafael, Tiburon, Fairfax and Sausalito let residents throughout their municipalities keep bees if they obtain a permit, which can be costly. Larkspur, San Anselmo and the county of Marin have no rules on their books regulating beekeeping, and Novato allows it so long as it's for noncommercial purposes.

Mill Valley technically doesn't permit apiaries, according to a city law first passed in 1943. Nonetheless, a number have existed throughout the city over the years, including on public property.

"With regard to the ordinance, I don't know if it's ever been enforced," Parks Superintendent Rick Misuraca said, noting that a resident recently asked the Mill Valley City Council to update its laws to allow beekeeping.

"Considering (Sudden) Colony Collapse, it's probably a good idea," he said, referring to a nationwide syndrome that has threatened to wipe out America's honey bees. "Bees are important."

Tim Ezekiel, a 54-year-old Fairfax resident and member of the Marin County Beekeepers, said he has been researching rules in municipalities around Marin since learning of Perullo's troubles.

"A lot of people just want to say, 'Don't ask. Don't tell,' but I tend to want to make it right so I don't get in trouble later down the road," said Ezekiel, who has nine hives around the county. "It's fear factor. If anyone's ever seen a swarm and been terrified, they don't want bees next door."

Marin Bee Co. co-owner Bill Tomaszewski said he selected Carniolan honey bees for Perullo's hive because they're "bred to be very gentle; they're really very nice bees."

"Honey bees have a bad rap," Tomaszewski said. "Honey bees don't go around stinging people because when they sting someone, they die. Honey bees are vegans. The only thing they're interested in is nectar and pollen."

Tomaszewski noted that he has hives in busy environments around the Bay Area, such as Kent Middle School, the Google campus in Mountain View and on the San Francisco Chronicle's roof. Honey bees, which have been declining in recent years, provide an indispensable service

pollinating human food crops like almonds and apples and, in a residential environment, help gardens flourish all over neighborhoods, he said.
"This whole danger of people getting worried about, oh my God, we're going to get stung and they're going to kill us, really it's from bad horror movies from the '70s," Tomaszewski said.
Since learning of Corte Madera's rules, Perullo has been petitioning town officials to get them changed, meeting with councilwomen Diane Furst and Carla Condon. She plans to speak during council discussion of the issue at an annual planning session on Tuesday and is prepared to raise money to finance town research on a possible ordinance amendment.
"These things that are not considered household pets you can only have in the larger lot district, and even then you need a conditional-use permit," Bell said. "(Perullo) couldn't even apply. If you're not in the R-1-C, you can't even apply."
Bell said Perullo has until June 1 to reply to the letter he sent her last week. In the meantime, he's expecting direction from the Town Council on Tuesday. If the council decides not to have town employees research the matter, Bell said Perullo or anyone else could file a zoning ordinance amendment request, which would cost about $2,000.
Meanwhile, Diane Fafoutis, Perullo's next-door neighbor, said she filed the complaint with town officials because she's allergic to bee stings and is concerned about the presence of a hive right next to her property.
"I can tell you I have been stung before, and I ended up in the emergency room," Fafoutis said. "Having the beehives in this dense population is ridiculous. ... Even children, if they get stung, it can kill them."
If Corte Madera amends its ordinance to allow beekeeping, the town could be liable if someone gets stung, she asserted.
Fafoutis noted that she believes bee companies have a commercial interest in promoting the insects and that she is afraid to go near her fruit trees, which abut Perullo's property, lest she get stung.
Neighbor Stan Damas, who lives across the street, said he doesn't feel strongly either way about the hive but is hopeful it will help out some bees.
"They need a place to go, and I think (Perullo's) doing it as a help to bees," said Damas, a retired San Francisco police officer. "I would assume they're not going to come over and get me."

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*Contact Jessica Bernstein-Wax at jbernstein-wax@marinij.com*

MODEL BEEKEEPING ORDINANCE:

For Florida (Local and Municipal) Governments

Whereas, honey bees are beneficial to mankind and to Florida in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products; and

Whereas, Florida is among the leading states in honey production and honey bee assisted agricultural products throughout the United States and the World; and

Whereas, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain; and

Whereas, gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained:

Now, Therefore, Be It Ordained and Enacted By

_____

Name of Governmental Entity

Section 1. That the finding contained in the preamble of this ordinance is hereby adopted as a part of this ordinance.

Section 2. That Chapter No. (Health) of the Code of Ordinances,

_____, Florida, is hereby amended by adding a new article No., which reads as follows:

Definitions:
As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. Apiary means the assembly of one or more colonies of bees at a single location.

2. Beekeeper means a person who owns or has charge of one or more colonies of bees.

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 or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

5. Honey bee means all life stages of the common domestic honey bee, Apis mellifera species.

6. Tract means a contiguous parcel of land under common ownership.

7. 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 use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Certain Conduct Declared Unlawful

(a) The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(b) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

Hive Registration

All honey bee colonies shall be registered with the Florida Department of Agriculture and

Consumer Services.

Hive Type

All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

Fencing of Flyways

In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, 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 apiary.

Water

Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

General Maintenance

Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Queens

All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

Colony Densities

(a) It shall be unlawful to keep more than the following number of colonies on any tract within

the city, based upon the size or configuration of the tract on which the apiary is situated:

1. one quarter acre or less tract size – 2 colonies,

2. more than one-quarter acre but less than one-half acre tract size— 4 colonies.

3. more than one-half acre but less than one acre tract size – 6 colonies.

4. one acre or larger tract size – 8 colonies,

5. regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

6. regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive, remains undeveloped property, there shall be no limit to the number of colonies.

(b) In addition to State of Florida Apiary Inspection Law regarding identification of honey bee hives: the beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(c) Unless marked in accordance with subsection (a) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

Inspection

Each Florida Apiary shall be inspected and a report issued by an authorized representative of the Department at such intervals as the Department deems best for detection of honey bee pests and unwanted races of honey bees. Compliance

(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the director shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of hearing to be issued to the beekeepers.

(b) The notice of hearing shall set forth:

1. the date, time, and place at which the hearing will be conducted

2. the violation(s) alleged

3. that the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter as provided by Rule No. _____ of the

City council's Rule of Procedure, and

4. that the bees may be ordered destroyed or removed from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States mail or personal delivery. However, if the health officer is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five days before the date of the hearing.

(c) The hearing shall be conducted by the director or a health officer that he may designate. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article, then he may order that the bees be destroyed or removed from the city, not to exceed 20 days and that bees not thereafter be kept upon the tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the health officer may cause the bees to be destroyed and the hives structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

(d) The decision of the hearing officer may be appealed in accordance with the provision of Rule

No. _____of the City Council's Rules and Procedures by filing a notice of appeal with the city secretary within 10 days following the date that the hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within 15 days following at the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not stay in the hearing officer's decision, and it shall not be the responsibility of the beekeeper to remove the bees from the city pending the determination of the appeal.

(e) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive which,

by virtue of its condition, has obviously been abandoned by the beekeeper.

Section 3. If any provisions, section, subsection, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be servable for the purpose.

Section 4. This ordinance shall become effective at _____ (hour) on _____ (date).

Section 5. There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall be passed finally on such date and shall take effect as provided in Section 4, above.

# David L. Peterson

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June 1, 2011

Honorable Mayor & Council Members
Town of Fairfax

**RE: Discussion/Consideration of revising the Town Code to allow hobbyist beekeeping.**

I am a Ross resident, hobbyist beekeeper, active member of the Marin Beekeepers Association and a member of the "Nuc", the policy board of that organization. My Ross bees forage in Fairfax neighborhoods.

I have previously sent you an e-mail encouraging you to change the Town ordinances to allow hobbyist beekeeping in Fairfax without the need to obtain a Use Permit. I support the change to simply not prohibit beekeeping. Or if it is decided Fairfax should develop an Ordinance allowing, but controlling "backyard beekeeping", it should not include a fee and simply require good beekeeping practices including a reasonable limitation of hive concentrations.

I have prepared a packet of information for your review and to assist in your deliberations.

1. An excerpt from an Article by Malcolm Sanford setting forth Good Neighbor Guidelines for the Beekeeper and a discussion of the elements of a possible beekeeping ordinance
2. A three part article from the America Bee Journal (ABJ) "Creating a Model Beekeeping Ordinance" by Sylvia Exenwa, JD from April-June 2007. This article includes the sample ordinance developed for Florida cities, that is also included in the Staff Report.
3. Article from ABJ, September 2009 by M.E.A. McNiel (Draper), Master Beekeeper and San Anselmo resident also Nuc Member, Marin County Beekeepers Association. The article discusses efforts by New York City beekeeper's efforts to lift the City ban on managing beehives.
4. Article from ABJ, August 2010 by Reinout Van Wagtendonk reporting on the results of New York City lifting its ban on beekeeping.

If it is decided to develop an ordinance, The Florida Sample provides a reasonable model, excepting those parts dealing with marked queens and regular hive inspections. These sections deal with issues relevant to Florida that are not necessary in Fairfax. I hope you will find this information helpful.

Very truly yours,

David L. Peterson

**Except from:**

# Diseases and Pests of the Honey Bee[1]

**Malcolm T. Sanford, University of Florida**

Perhaps the greatest predator/pest of honey bees is man. Bees can be vandalized, stolen and/or burned. In addition, reduction of bee forage by large-scale agriculture and urbanization is deleterious to bee populations. A major threat is the proclamation of ordinances. Every beekeeper should, therefore, strive to become the best of neighbors.

**Good Neighbor Guidelines for the Beekeeper**

1. Place colonies away from lot lines and occupied buildings. If near buildings, locate colonies away from used entrances and lines of foot traffic.

2. Erect a six-foot barricade between the bees and lot line. Use anything bees will not pass through: dense shrubs, fencing. An alternate solution may be to place bees on a roof or platform. Any time bees are flying close to the ground and across the property line of a neighbor, there are potential problems.

3. Provide a watering source. If a natural water source is not located nearby, and especially if swimming pools are in the vicinity, a tub of water should be placed in the apiary with wood floats to prevent the bees from drowning. Water should be changed periodically to avoid stagnation and mosquito breeding.

4. Minimize robbing by honey bees. Work the bees during nectar flows if possible and keep exposed honey or sugar water to an absolute minimum. Use entrance reducers to prevent robbing of weak colonies. Robbing bees are usually aggressive and will be more likely to sting passersby.

5. Prevent swarming. Although swarming bees are considered to be not aggressive, the often feverish activity of a swarm and a large, hanging ball of bees may evoke fear in neighbors.

6. Keep no more than three or four beehives on a lot less than one-half acre. If more colonies are desired, find a nearby farmer who will allow bees to be kept on his/her land in exchange for some honey.

7. Work bee colonies when neighbors are not in their yards.
bear habitat.

8. Requeen overdefensive colonies.

9. Give a pound or two of honey each year to the neighbors.

**Ordinances**

If all else fails and ordinances are considered by the town or city council, the following model can be looked to for guidance:

**__ Section 1. Location of Beehives and Other Enclosures**
__ It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use on any lot or parcel of land within the corporate limits, any hives or other enclosures for the purpose of keeping any bees or other such insects unless every part of such hive or enclosure is located at least seventyfive (75) feet from a dwelling located on the adjoining property.

**__ Section 2. Number of Hives (Colonies of Bees) Regulated**
__ On lot sizes of 15,000 square feet or less, no more than four hives (colonies of bees) will be permitted. The hives shall be no closer than fifteen feet from any property line. On lots larger than 15,000 square feet additional hives will be permitted on the basis of one (1) hive for each 5,000 square feet in excess of 15,000 square feet.

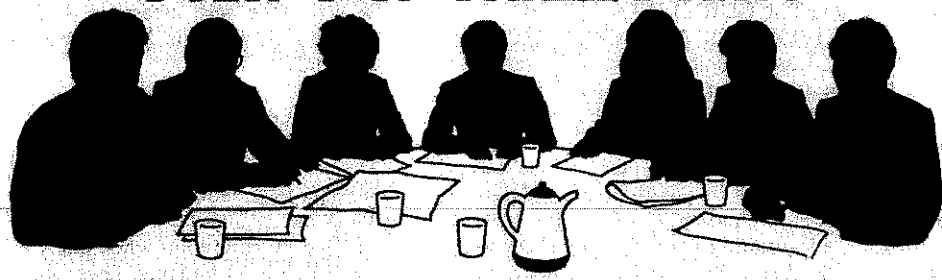
**__ Section 3. Type of Bees**
__ This ordinance shall pertain only to honey bees maintained in movable-frame hives, and it does not authorize the presence of hives with non-movable frames or feral honey bee colonies (honey bees in trees, sides of houses, etc.).

**__ Section 4. Restrictions on Manipulating Bees**
__ The hives (colonies) of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.

**__ Section 5. Penalty**
__ The violation of any provision of this ordiance shall constitute a misdemeanor punishable upon conviction by a fine not exceeding fifty ($50) dollars, or imprisonment not exceeding thirty (30) days; provided, that each day that a violation exists or continues to exist shall constitute a separate offense.

# Creating a Model Beekeeping Ordinance

## Part 1 of Three Parts



by SYLVIA A. EZENWA, J.D.

Sylvia A. Ezenwa, J.D.

[redacted]

When is a model ordinance needed? To answer, understand that an "ordinance" is a municipal or local government law or statute, passed or "enacted" by a city council or equivalent municipal or local government body (e.g., town board), which governs matters affecting the municipality (e.g., zoning, building, and safety), that are not already covered by federal or state law.[1] However, city council members are probably not beekeepers! Therefore, in order for them to enact a law placing specific restrictions and requirements on beekeeping, that are based on proven honey bee behavior and biology, and not on the negative media stereotype of aggressive or killer bees, they will need advice from *you*—area beekeepers and state or local beekeeping associations. That advice can be given in the form of a pattern or "model" beekeeping ordinance that you create, in which you propose beekeeping restrictions and requirements that DO address the city's interest in protecting public health and safety, but are nonetheless FAIR to beekeepers, and not potentially ruinous to their hobby, sideline, or commercial operations.

The goal is to create a model ordinance that contains beekeeping restrictions and requirements which strike the proper balance between public health and safety, and fairness to beekeepers, in the hope that a city council will subsequently adopt some or all of your (beekeepers') model when enacting an official version of the law.

**STEP ONE: Follow basic rules**

When creating a model beekeeping ordinance, the first step is to follow four basic rules:

1. **Provide** beekeeper's rights and responsibilities in language that is clear and easily understood.[4]
2. **Organize** those rights and responsibilities into separate sections that can be found by users quickly and easily.[5]
3. **Begin** with a "Definitions" section that allows users to look up beekeeping terms, like "apiary," and "colony" or "hive," used in the ordinance.[6]
4. **End** with an "Enforcement" or "Compliance" section that: (i) imposes penalties for violating or failing to comply with the ordinance; and (ii) provides a mechanism for beekeepers to seek review or "appeal" of an adverse local government decision.[7] This section should make it clear that the opportunity to challenge an adverse decision is a **right** that has been granted to each beekeeper (e.g., a right to appeal to a zoning board of appeals a decision by a zoning inspector that you are keeping bees in violation of a municipal zoning ordinance[8]; or the right to request a hearing upon receipt of written notice by a city health officer that your bees constitute a public nuisance.[9])

> TIP: Before attempting to draft an "Enforcement" or "Compliance" section, please familiarize yourself with common administrative and judicial review procedures involved in resolving zoning and nuisance conflicts, by reading Chapters 4 and 5 of *HONEY BEE LAW: PRINCIPLES AND PRACTICE By Sylvia A. Ezenwa, J.D. (The A.I. Root Company 2005)*, available at **http://www.beeculture.com/store/**, or call 1-800-289-7668.

**STEP TWO: Use good neighbor practices**

So you begin with a section on "Definitions," and end with one on "Enforcement" or "Compliance," but what kinds of restrictions and requirements on beekeeping should make up the body of your ordinance? Understand, that any restrictions or requirements that you come up with will really represent each beekeeper's **responsibilities** under the law. In other words, each beekeeper will have a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement. For example, in a particular municipality, a beekeeper may have a responsibility

NOT to exceed a restriction on the number of hives permitted on a city lot, or TO fulfill a state requirement that he register his hives.

One way to develop such restrictions and requirements is to base them on industry-accepted good neighbor practices. In Chapter 9 of my book, *HONEY BEE LAW: PRINCIPLES AND PRACTICE By Sylvia A. Ezenwa, J.D. (The A.I. Root Company 2005)*, I provide the following checklist:

## CHECKLIST OF GOOD NEIGHBOR PRACTICES

### PART I: GUIDELINES FOR THE LOCATION OR PLACEMENT OF COLONIES

- Locate the colonies away from property or lot lines.
- If the colonies must be located near a property or lot line, build either a natural (e.g., dense shrubs) or an artificial (e.g., fence) barrier, which is at least six feet high and impenetrable by the bees, between the colonies and the property or lot line.
- If the colonies must be located near a property or lot line, and building a natural or an artificial barrier between the colonies and the property or lot line is not an option, then place the colonies on the roof of a building. If they are placed on a roof, the bees will fly high above the property or lot line when crossing it.
- Locate the colonies away from occupied buildings.
- If the colonies must be located near an occupied building, place the colonies away from frequently used entrances, walkways, or other areas of heavy pedestrian traffic.
- Locate the colonies in an area of the property where they will be the least visible to (or are camouflaged from) neighbors and passers-by. The colonies will be less visible if the exterior of the hives are painted with a dark or neutral color (e.g., gray, brown, or military green), rather than pure white; or if they are stained with a natural-hued wood preservative.
- Locate the colonies away from areas where the fecal droppings of the bees may cause property damage to neighbors. The fecal droppings of bees may stain hanging laundry, the vinyl siding of homes, and automobiles that are parked in driveways and at dealerships.
- Locate the colonies away from fields or pastures where livestock (e.g., horses, cattle, or sheep) graze. The bees might attack the animals.
- Locate the colonies away from flood plains or other areas that are prone to flooding.
- In states with temperate climates (e.g., Ohio), where the intensity of the midday sun is moderate, locate the colonies in full sunlight.
- In states with tropical climates (e.g., southern Louisiana), where the intensity of the midday sun is severe, locate the colonies in sunlight that is tempered with either natural (e.g., trees) or artificial (e.g., fences or buildings) shade. A natural or an artificial barrier will also act as a wind block.

### PART II: GUIDELINES FOR THE PROVISION OF A WATER SOURCE

- Locate the colonies within 500 feet of a natural water source that is not frequently used by neighbors or children.
- If a natural water source is unavailable, or is frequently used by neighbors or children, or if a neighbor has a swimming pool that might attract the bees, then provide an artificial water source (e.g., a tub) near the colonies.
- The artificial water source that is provided should contain natural (e.g., branches or wooden boards) or artificial (e.g., packing peanuts) floats upon which the bees can alight and drink, without the threat of drowning.
- The artificial water source that is provided should be changed each week in order to avoid stagnant water, breeding mosquitoes, and mosquito-borne diseases, such as West Nile Virus.
- The water source must NEVER be allowed to go dry during water-collection months.

### PART III: GUIDELINES FOR THE POSITIONING OF COLONIES

- If the colonies are located near a property or lot line, face the entrance of the colonies in the direction opposite from a neighbor's property.
- If the colonies are located away from a property or lot line, face the entrance of the colonies in a direction that will cause the least interaction between the bees and the flow of traffic in the beekeeper's yard.
- When the interaction between the bees and neighbors is not a concern, face the entrance of the colonies in a south or southeasterly direction so that the sun will reach the entrance of the colonies much quicker in the morning.

### PART IV: GUIDELINES FOR THE MANIPULATION OF FLIGHT PATTERNS

- Locate the colonies near a tall, natural (e.g., hedge of evergreens) or an artificial (e.g., fence or building) barrier. When the bees exit the hives, the barrier will direct or force them to fly straight up, high into the air, and away from the hives. The barrier will also force the bees to return at a high altitude, from which they will fly straight down to the hives.
- Manipulate the flight pattern of the bees in such a manner as to not direct or force them to fly over public sidewalks or other areas of pedestrian traffic.

### PART V: GUIDELINES FOR THE PREVENTION OF OVERCROWDING

- Do not locate more than three or four hives on a lot that is less than one acre in size. One acre measures 43,560 square feet, which is 208.71 feet on each side.

### PART VI: GUIDELINES FOR THE WORKING OF BEES

- Do not work the colonies during bad weather (e.g., rain, clouds, or wind).
- Work the colonies between midmorning and midafternoon when many of the bees are out foraging, fewer are at home, and fewer guard bees are patrolling.
- Place the colonies at least three or four feet apart. This will allow the beekeeper to move freely around the entire circumference of a colony, and will prevent him from bumping into a colony that is not being worked and agitating those bees.
- Ensure that there is at least three or four feet of space behind each colony, where the most time will be spent when working the bees. This will allow the beekeeper to move freely behind the colonies.
- Place the colonies at least three or four feet from a natural (e.g., shrubs or hedges) or an artificial (e.g., fence or building) barrier. This will allow the beekeeper to move freely between the colonies and the barrier.
- Do not work the colonies when neighbors are nearby and out in their yards.
- If a colony is aggressive or mean, and may bother neighbors when it is being worked, requeen it.
- Take precautions to reduce robbing by bees. Robbing may cause the bees to become extremely aggressive, and may be reduced by not working the bees during a dearth of pollen and nectar (e.g., at certain times of day or during a drought); by limiting the exposed honey when working colonies; and by using entrance reducers on colonies that are weak.
- Manage colonies to prevent swarming.

### PART VII: GUIDELINES FOR BEEKEEPER-NEIGHBOR INTERACTIONS

- Distribute free honey to neighbors each year. Generosity fosters good relations.
- Before introducing colonies onto a property, inform the neighbors and gauge their reaction to the idea of a nearby beekeeping operation.
- Educate the neighbors about the symptoms of a temporary reaction to a bee sting (i.e., slight swelling, itching, and redness) and the symptoms of a

life-threatening allergic or anaphylactic shock reaction.

Learn which, if any, of the neighbors (or their visiting family members) are truly allergic to bee stings.

- Obtain an insurance policy that provides coverage for damage, death, or injuries that are caused by the bees to any third party, regardless of whether the damage, death, or injury occurs on a neighbor's or on the beekeeper's property.

PART VIII: GUIDELINES FOR BEEKEEPER-GOVERNMENT RELATIONS

- Register the colonies or apiary with the state agricultural official or agency, when required by law.
- Comply with all local, state, and federal laws regulating beekeeping.
- Keep detailed records of all colony management activities, including robbing and swarming prevention measures. The records may serve as documentary evidence in administrative and judicial proceedings involving a beekeeping operation.[10]

As I said, good neighbor practices can and should be used as the basis for any beekeeping restrictions and requirements to appear in the body of your model ordinance. But do not just rely on this list. Instead, also research good neighbor practices lists created by other reputable sources, like U.S. Department of Agriculture's Cooperative Extension System Offices (locate offices in your state at **http://www.csreea.usda.gov/Extension/index.html** (last visited Jan. 11, 2007)), and how-to beekeeping books and web sites. Check out the following:

- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at **http://edis.ifas.ufl.edu/AA137** (last visited Jan. 4, 2007).
- Dr. Ken Lightle, Ph.D., *Buckeye Bee Basic Beekeeping Course* ch. 7, available at **http://www.buckeyebee.com/basic.html** (last visited Jan. 11, 2007) (also a great source of information on bee biology and behavior).

The purpose of researching good neighbor practices is to eventually use them to develop beekeeping restrictions and requirements covering some or all of the following areas: location or placement of colonies; provision of a water source; positioning of colonies; manipulation of flight patterns; prevention of overcrowding; working of bees; beekeeper-neighbor interactions (including notification requirements); and beekeeper-government relations (including registration requirements).

Considering that an "ordinance" is a municipal or local government **law**, any ordinance you create will have to contain some legal terminology, and incorporate some legal theories and concepts, which means that, if you choose not to hire a lawyer to help, you will definitely have to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to use good neighbor practices to develop restrictions and requirements appropriate for your own city. In Step Three (in Part 2 of the article), I discuss where to find such laws, and explain how best to use them.

**References:**


1. Dan Malmgren, *Looking For Beekeeping Laws*, Letters to the Editor, AMERICAN BEE JOURNAL, Vol. 146, No. 11, at p. 898 (November 2006).
2. *Id.*
3. Black's Law Dictionary 1097, 1017 (6th ed. 1990).
4. Rebecca F. Wisch, *Overview of Municipal Animal Control Ordinances*, Animal Legal & Historical Center, Michigan State University College of Law (2005), available at **http://www.animallaw.info/articles/ovusodmunicipalordinances.htm** (last accessed Jan. 4, 2007).
5. *Id.*
6. *Id.*
7. *Id.*
8. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 64, 72-76 (The A.I. Root Company 2005).
9. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 85-86, 87-91 (The A.I. Root Company 2005).
10. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 140-143 (The A.I. Root Company 2005).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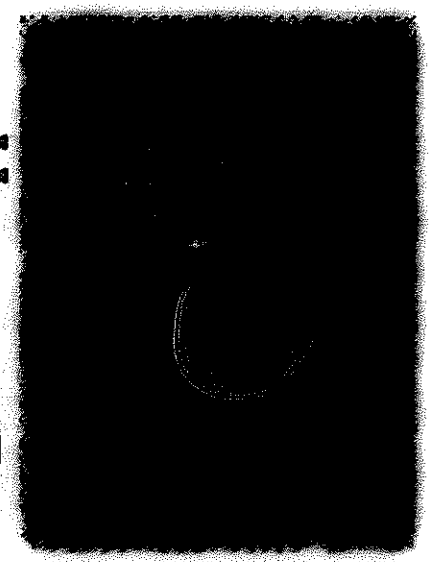
*BIOGRAPHY: Sylvia A. Ezenwa is an attorney and writer based in Wyoming. She is licensed to practice law in the State of Texas.*

*DISCLAIMER: The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.*

# Creating a Model Beekeeping Ordinance

## Part 2 of Three Parts



by SYLVIA A. EZENWA, J.D.

Sylvia A. Ezenwa, J.D.

In Part 1 of this article (*American Bee Journal*, Vol. 137, No. 4 (April 2007)), I explained that, because the beekeeping restrictions and requirements in an ordinance really represent each beekeeper's responsibilities under the law (i.e., each beekeeper has a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement), they should be based on industry-accepted good neighbor practices.

But considering that an "ordinance" is a municipal or local government **law**, any ordinance that is created will ultimately have to contain some legal terminology, and incorporate some legal theories and concepts. Therefore, if *you*—area beekeepers and state and local beekeeping associations—choose not to hire a lawyer to help, you will definitely have to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to both follow the basic rules (given in Step One) and use good neighbor practices (listed in Step Two) to develop beekeeping restrictions and requirements appropriate for your own city.

**STEP THREE: Look at beekeeping ordinances**

A good source of model beekeeping ordinances is state agricultural agencies. Perhaps because of concerns about Africanized honey bee spread and control, the State of Florida is at the forefront. The Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Apiary Inspection Program, has created a *Model Beekeeping Ordinance For Florida (Local and Municipal) Governments*, available at **http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep_ord.pdf** (last visited Jan. 4, 2007), and reprinted here with permission of Jerry Hayes, chief of Apiary Inspection:

### MODEL BEEKEEPING ORDINANCE

*For Florida (Local and Municipal) Governments*

Whereas, honey bees are beneficial to mankind and to Florida in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products; and

Whereas, Florida is among the leading states in honey production and honey bee assisted agricultural products through out the United States and the World; and

Whereas, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain; and

Whereas, gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained:

Now, Therefore, Be It Ordained and Enacted By

_____

Name of Governmental Entity

**Section 1.** That the finding contained in the preamble of this ordinance is hereby adopted as a part of this ordinance.

**Section 2.** That Chapter No. (Health) of the Code of Ordinances,

_____, Florida, is hereby amended by adding a new article No., which reads as follows:

Definitions:

_____

_____

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. Apiary means the assembly of one or more colonies of bees at a single location.

2. Beekeeper means a person who owns or has charge of one or more colonies of bees.

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 or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

5. Honey bee means all life stages of the common domestic honey bee, *Apis mellifera* species.

6. Tract means a contiguous parcel of land under common ownership.

7. 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 use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

## *Certain Conduct Declared Unlawful*

(a) The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(b) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

**Hive Registration**
All honey bee colonies shall be registered with the Florida Department of Agriculture and Consumer Services.

**Hive Type**
All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

**Fencing of Flyways**
In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, 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 apiary.

**Water**
Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

**General Maintenance**
Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

**Queens**
All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

**Colony Densities**
(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

1. one quarter acre or less tract size – 2 colonies,

2. more than one-quarter acre but less than one-half acre tract size— 4 colonies.

3. more than one-half acre but less than one acre tract size – 6 colonies.

4. one acre or larger tract size – 8 colonies,

5. regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

6. regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive, remains undeveloped property, there shall be no limit to the number of colonies.

(b) In addition to State of Florida Apiary Inspection Law regarding identification of honey bee hives: the beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(c) Unless marked in accordance with subsection (a) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

**Inspection**
Each Florida Apiary shall be inspected and a report issued by an authorized representative of the Department at such intervals as the Department deems best for detection of honey bee pests and unwanted races of honey bees.

**Compliance**
(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the director shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeepers.

(b) The notice of hearing shall set forth:

1. the date, time, and place at which the hearing will be conducted

2. the violation(s) alleged

3. that the beekeeper may appear in person or through counsel, present evidence, cross-examine witnesses and request a court reporter as provided by Rule No. _____ of the City council's Rule of Procedure, and

4. that the bees may be ordered destroyed or removed from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States mail or personal delivery. However, if the health officer is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five days before the date of the hearing.

(c) The hearing shall be conducted by the director or a health officer that he may designate. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article, then he may order that the bees be destroyed or removed from the city, not to exceed 20 days and that bees not thereafter be kept upon the tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the health officer may cause the bees to be destroyed and the hives structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

(d) The decision of the hearing officer may be appealed in accordance with the provision of Rule No. _____of the City Council's Rules and Procedures by filing a notice of appeal with the city secretary within 10 days following the date that the

hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within 15 days following at the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not stay in the hearing officer's decision, and it shall not be the responsibility of the beekeeper to remove the bees from the city pending the determination of the appeal.

(e) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

**Section 3.** If any provisions, section, subsection, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be servable for the purpose.

**Section 4.** This ordinance shall become effective at _____ (hour) on_____ (date).

**Section 5.** There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall be passed finally on such date and shall take effect as provided in Section 4, above.
Passed and approved this _____ day of, _____, 20 _____.

_____
Signature of Mayor

Florida's Model Ordinance may be more comprehensive than those being considered by municipalities in other States, particularly in States with temperate climates, not yet infested by Africanized honey bees. But compare with the much simpler model by Malcolm T. Sanford in *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at **http://edis.ifas.ufl.edu/AA137** (last visited Jan. 4, 2007).

Also, the Animal Legal & Historical Center (**www.animallaw.info**) has provided a *Map of Municipal Animal Control Ordinances*, with ordinances for two municipalities—one large, and one small or more recent—given for each state, available at **http://www.animallaw.info/articles/armpusmunicipalordinances.htm** (last visited Jan. 4, 2007).

To make best use of such ordinances:

1. **Look**, at a minimum, at one comprehensive (e.g., Florida's) and one simpler (e.g., Dr. Sanford's) model ordinance, as well as one municipal ordinance from a large municipality and one from a smaller one.
2. **Select** several ordinances which contain the kinds of beekeeping restrictions and requirements that you feel would be appropriate for your own city.
3. **Use** the ordinances you have selected as patterns or models for the one you will create, by modifying (if necessary) their restrictions and requirements to fit the particular size (square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area[1]), topography, and other characteristics of your own city. In Step Four (in Part 3 of the article), I will discuss how, and the proper forum in which to do this.

**References:**

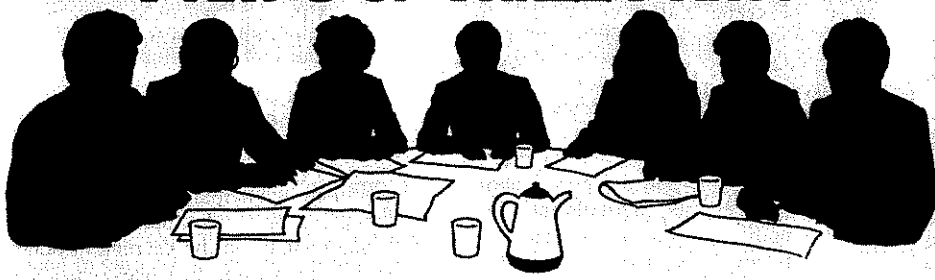
1. Black's Law Dictionary 1618 (6th ed. 1990).

*BIOGRAPHY: Sylvia A. Ezenwa is an attorney and writer based in Wyoming. She is licensed to practice law in the State of Texas.*

*DISCLAIMER: The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.*

# Creating a Model Beekeeping Ordinance

## Part 3 of Three Parts



Sylvia A. Ezenwa, J.D.

by SYLVIA A. EZENWA, J.D.

In this Part, I conclude my discussion of the process whereby *you*—area beekeepers and state and local beekeeping associations—can create a model beekeeping ordinance. The goal, of course, is for you to create a model ordinance that contains beekeeping restrictions and requirements which strike the proper balance between public health and safety, and fairness to beekeepers, in the hope that a city council will subsequently adopt some or all of your (beekeepers') model when enacting an official version of the law.

Before discussing Step Four, the final step of the process, let's review the previous three steps, along with tips to help you along.

In Step One, in Part 1 of the article (*American Bee Journal*, Vol. 137, No. 4 (April 2007)), I gave four basic rules to follow:

1. **Provide** beekeeper's rights and responsibilities in language that is clear and easily understood.[1]
2. **Organize** those rights and responsibilities into separate sections that can be found by users quickly and easily.[2]
3. **Begin** with a "Definitions" section that allows users to look up beekeeping terms, like "apiary," and "colony" or "hive," used in the ordinance.[3]
4. **End** with an "Enforcement" or "Compliance" section that: (i) imposes penalties for violating or failing to comply with the ordinance; and (ii) provides a mechanism for beekeepers to seek review or "appeal" of an adverse local government decision.[4] This section should make it clear that the opportunity to challenge an adverse decision is a **right** that has been granted to each beekeeper (e.g., a right to appeal to a zoning board of appeals a decision by a zoning inspector that you are keeping bees in violation of a municipal zoning ordinance[5]; or the right to request a hearing upon receipt of written notice by a city health officer that your bees constitute a public nuisance.[6])

TIP: Before attempting to create an "Enforcement" or "Compliance" section, please familiarize yourself with common administrative and judicial review procedures involved in resolving zoning and nuisance conflicts, by reading Chapters 4 and 5 of *HONEY BEE LAW: PRINCIPLES AND PRACTICE By Sylvia A. Ezenwa, J.D. (The A.I. Root Company 2005)*, available at **http://www.beeculture.com/store/**, or call 1-800-289-7668.

In Step Two, also in Part 1 of the article, I explained that the beekeeping restrictions and requirements in an ordinance really represent each beekeeper's **responsibilities** under the law. In other words, each beekeeper has a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement. For example, in a particular municipality, a beekeeper may have a responsibility NOT to exceed a restriction on the number of hives permitted on a city lot, or TO fulfill a state requirement that he register his hives.

One way to develop such restrictions and requirements is to base them on industry-accepted good neighbor practices. Therefore, you will have to research good neighbor practices that you can potentially use to develop restrictions and requirements covering some or all of the following areas: location or placement of colonies; provision of a water source; positioning of colonies; manipulation of flight patterns; prevention of overcrowding; working of bees; beekeeper-neighbor interactions (including notification requirements); and beekeeper-government relations (including registration requirements).

TIP: Research good neighbor practices in:

- Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 140-143 (The A.I. Root Company 2005).
- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at **http://edis.ifas.ufl.edu/AA137** (last visited Jan. 4, 2007).
- Dr. Ken Lightle, Ph.D., *Buckeye Bee Basic Beekeeping Course* ch. 7, available at **http://www.buckeyebee.com/basic.html** (last visited Jan. 11, 2007) (also a great source of information on bee biology and behavior).

In Part 2 of the article (*American Bee Journal*, Vol. 137, No. 5 (May 2007)), I emphasized that an "ordinance" is a municipal or local government **law**. Therefore, any ordinance that you create will have to contain some legal terminology, and incorporate some legal theories and concepts, which means that, if you choose not to hire a lawyer to help, you will definitely have to proceed to Step Three, in which I ask you to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to use good neighbor practices to develop restrictions and requirements appropriate for your own city.

TIP: Look at model and municipal ordinances in:

- *Model Beekeeping Ordinance For Florida (Local and Municipal) Governments*, The Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Apiary Inspection Program, available at **http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep_ord.pdf** (last visited Jan. 4, 2007) (a comprehensive model,

containing most elements of an ideal ordinance).

- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at **http://edis.ifas.ufl.edu/AA137** (last visited Jan. 4, 2007) (a much simpler model, lacking some elements of an ideal ordinance).
- *Map of Municipal Animal Control Ordinances*, The Animal Legal & Historical Center, available at **http://www.animallaw.info/articles/armpusmunicipalordinances.htm** (last visited Jan. 11, 2007) (gives ordinances of two municipalities—one large, and one small or more recent—for each state, but not all contain provisions on beekeeping).

In Step Three, I also explained how to make best use of such ordinances:

1. **Look**, at a minimum, at one comprehensive (e.g., Florida's) and one simpler (e.g., Dr. Sanford's) model ordinance, as well as one municipal ordinance from a large municipality and one from a smaller one.
2. **Select** several ordinances which contain the kinds of beekeeping restrictions and requirements that you feel would be appropriate for your own city.
3. **Use** the ordinances you have selected as patterns or models for the one you will create, by **modifying** (if necessary) their restrictions and requirements to fit the particular size (square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area[7]), topography, and other characteristics of your own city.

In practice, modifying the restrictions and requirements contained in the ordinances you select (per #3 above) to fit the particular characteristics of your own city may prove controversial, especially when it comes to negotiating with city or other local government officials to adopt some or all of *your* model ordinance's proposed restrictions and requirements for the official version of the law. Fortunately, such negotiations have a designated forum—a public hearing, to which beekeepers should always go and be vocal participants.

## STEP FOUR:
### Participate at public hearings

A municipal legislative body, such as a city council, or other governing body, is responsible for passing or enacting a municipal beekeeping ordinance. The procedures by which ordinances are enacted can be fairly complex, and often vary widely from municipality to municipality. However, there are two elements of such procedures that are nearly universal: (i) a public hearing on the proposed ordinance; and (ii) written notice of time and place of the hearing. Usually, these two elements are required in order for a municipal ordinance to be considered constitutional.[8] As an area beekeeper and/or representative of a state or local beekeeping association, you should attend any public hearing at which a beekeeping ordinance is being considered; and to participate, you can:

1. **Educate** city council members, neighbors, and the public about the benefits (agricultural, economic, nutritional, medicinal) of honey bees, and the truth (not media-generated myths) about Africanized honey bees.
2. **Argue** to limit the amount of mandatory restrictions and requirements placed on beekeeping, emphasizing instead voluntary adherence to good neighbor practices.
3. **Introduce** the model ordinance you created.
4. **Argue** the rationale (using proven bee behavior and biology) behind the proposed restrictions and requirements in your model ordinance; and their appropriateness for the particular size (square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area[9]), topography, and other characteristics of your own city.
5. **Support** your arguments for the city's adoption of your ordinance's proposed restrictions and requirements with scientific information about bee behavior and biology from: (i) a how-to beekeeping book or manual from an apiary expert, preferably affiliated with a university or state or local government agency; and/or (ii) a publication from a U.S. Department of Agriculture Cooperative Extension System Office (locate offices in your state at **http://www.csreea.usda.gov/Extension/index.html** (last visited Jan. 11, 2007)). For example, *Honey Bee Information Site*, Department of Entomology, Texas Cooperative Extension, The Texas A&M University System, available at **http://honeybee.tamu.edu/** (last visited Jan. 11, 2007).
6. **Support** your arguments for the city's adoption of your ordinance's proposed restrictions and requirements by introducing the model and current municipal ordinances which you selected and relied upon for the creation of your own.
7. **Lobby** for the city council to adopt, for the official version of the law, as many of the provisions contained in your model ordinance as possible.
8. **Distribute** free honey to city council members, neighbors, and the public. Ostensibly, to demonstrate the benefits of beekeeping. Although, it could also boost your lobbying efforts!

## Conclusion

With the spread of the Africanized honey bee, and the increasing urbanization of former agricultural, rural, and suburban areas, more municipalities will consider enacting ordinances that place restrictions and requirements on the keeping of honey bees. In which case, area beekeepers and state and local beekeeping associations should, instead of only contributing to the problem, become part of the solution. How? By working with city officials to create ordinances that address legitimate concerns about public health and safety while still being fair to beekeepers steadfastly pursuing their hobbies or businesses.

## References:


1. Rebecca F. Wisch, *Overview of Municipal Animal Control Ordinances*, Animal Legal & Historical Center, Michigan State University College of Law (2005), available at **http://www.animallaw.info/articles/ovusodmunicipalordinances.htm** (last accessed Jan. 4, 2007).
2. *Id.*
3. *Id.*
4. *Id.*
5. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 64, 72-76 (The A.I. Root Company 2005).
6. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 85-86, 87-91 (The A.I. Root Company 2005).
7. Black's Law Dictionary 1618 (6th ed. 1990).
8. *See* Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 64 (The A.I. Root Company 2005).
9. Black's Law Dictionary 1618 (6th ed. 1990).



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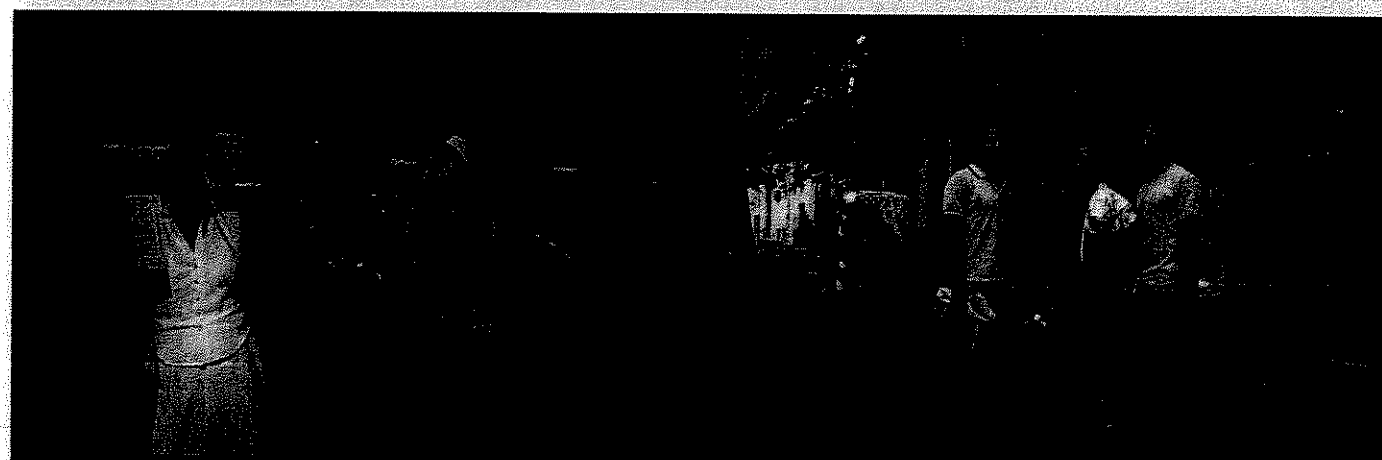
*DISCLAIMER: The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.*

# New York's Outlaw Beekeepers

## Party On in the Name of *Apis mellifera*

Photographs by ERIC TOURNERET
TEXT by M.E.A. MCNEIL

***Beekeeping has been against the law in New York City since a health ordinance was put into place in 2000 by then mayor Rudy Giuliani.***



(l) The campaign to legalize beekeeping in New York City was opened with the Beekeepers' Ball. The event, at the Water Taxi Beach on the South Street Seaport, opened festivities for Pollination Week. Beekeepers and wannabees showed up in creative costumes. Three beekeeping groups, The New York City Meet-up Group, the Gotham City Honey Co-op, and The New York City Beekeepers' Association coordinated with organizers Just Foods to promote a change in the law. (r) New beekeeper Adam Johnson, an associate lawyer in a New York law firm, together with beekeeper Andrew Coté, an English teacher, and friend Troy Seidman, are on their way to check out two hives on a roof garden in the East Village of Manhattan. "It was an old desire, from childhood, but when CCD started in the United States, I really wanted to have beehives and start beekeeping," said Johnson.

It makes sense, really. New York City would just as soon not have its citizens keep tigers, panthers, grizzly bears, alligators, pit vipers, or Komodo dragons. And, hey, it's a fair guess that the metropolis could do without the wild jaguarundis, dholes, fennecs, linsangs, capybaras, or tenrecs listed among the forbidden "dangerous animals" in Section 161.01 of the health code. But honey bees?

The city, which prides itself on being unique, has the rare distinction of being the only major city in the Western world that makes beekeeping a crime. New Yorkers have been keeping their hives on the down low for nearly a decade, sneaking up fire escapes and peeking around corners. They are well aware that all it takes is a quick call to 311, the complaint line, for a beekeeper to accrue a fine of up to $2000.

Meanwhile, the cash flows in the other direction for the apiaries in other cities. Boutique prices can be found on urban honey – as much as $30 a pound for the harvest from rooftops of historic buildings. Some city apiaries are small commercial ventures, and others are community projects that provide revenue, education, and fun. Others simply provide fascination and pleasure for their keepers.

Bees thrive on the roof of the Paris Opera and The Royal Festival Hall in London. Others are in rooftop gardens, like those in Hamburg, Dallas, Toronto's Royal York Hotel, the new Academy of Science in San Francisco, and Chicago City Hall – not to mention the many private hives tucked away on balconies and in vegetable plots in cities across the world. There is a beehive, after all, on the White House lawn.

City beekeeping is more than a novelty. Urban agriculture is an important part of a wide movement toward local and sustainable food sources. Streets and roofs absorb heat, making cities as much as ten degrees warmer than open land. City bees are anecdotally reported to fly longer in the day than their sisters in the countryside. What is known is that city gardens, parks and window boxes provide diverse forage over a long growing season, allowing bees to gather the variety of pollens that they need. Unlike agricultural monocrops, cityscapes can provide the range of nutrients required for the development of winter bees. And small garden plots are less likely

(l) Pollination for a New York organic community farm is provided by four hives kept by Andrew Coté, a fourth generation beekeeper together with Adam Johnson. Beekeeping is illegal in New York City, and a movement to legalize it has begun. (r) The Honey Festival at the Union Square Greenmarket was part of Pollination Week. It featured observation bee hives and New York City honeys for sale and tasting. A rally was held to generate signatures for a petition in favor of legalization. Andrew Coté serves samples of his local honey to the public.

to be sprayed with pesticides. Tests of French honey found fewer chemical traces in city honey than in some from rural areas.

With a world awakening to the environmental, educational and economic advantages of local produce, New York City proudly promotes its "greening" through organizations such as Just Foods. The group works as a "capacity builder" – supporting and enhancing existing food systems, according to director Jacquie Berger. The goal, notable as a meeting of conservative and liberal ideologies, is food security – providing community control of food sources and increasing access to healthy food. The successful organization Heifer International, which helps fund Just Food, provides a model: long-term solutions are created with local involvement.

Just Food has seen the number of CSA's (Community Supported Agriculture farms) in the area grow from one in 1995 to more than 80 now. They have fostered this growth with programs that include setting up market models, teaching volunteers administrative skills such as produce distribution, and planning classes in keeping urban livestock such as chickens and bees. But bees, they quickly discovered, are illegal.

It was a puzzle for Berger and her staff, since bees pollinate the produce so favored by the city. For anyone who has seen a poorly pollinated fruit or vegetable, the city symbol could be a lopsided Big Apple. They set out to connect with the clandestine beekeepers to plan for a change.

It did not take much detective work to find beekeeper David Graves, who has been called "the Johnny Appleseed of New York beedom." A film on YouTube, "NYC Bee Man," shows him shimmying along a window ledge with a package of bees, mentoring a taxi driver, and extolling urban beekeeping. He has hives on the Upper West Side, Lower East Side, Brooklyn Heights, The Bronx, and Harlem. He maintains that his city bees "work harder...They're up much earlier and work longer hours"– foraging on wild bergamot, aster, sunflower, mint, goldenrod, linden trees, and even on the fresh-cut flower bouquets for sale in stalls. Graves has mentored city beekeepers for over a decade – albeit a criminal underclass.

Groups of beekeepers meet despite the ban: The New York City Meet-up Group founded by John Howe, the Gotham City Honey Co-op with Jim Fischer, and The New York City Beekeepers' Association, a year-old group founded by Andrew Coté.

Adam Johnson, a New York attorney and member of the new beekeepers' association, looks after four hives in a Manhattan garden. He personally knows of "about a hundred hives in New York"; adding groups with "rural roots, and other groups of young people, the figure could get as high as 500 hives." Beekeeper Eddie Diaz knows of 100 hives in Brooklyn and estimates as many as 1000 in the five boroughs. No one knows for sure, since it does not pay to

(l) Beekeeper David Graves, who has been called "the Johnny Appleseed of New York beedom," has mentored many a clandestine rooftop beekeeper. Here he sets up for The Honey Festival at the Union Square Greenmarket. He is known not only for his honey but fruit jams and jellies as well. (r) For over ten years David Graves has taught beekeepers in New York City. Here he works a hive on one of many rooftops where he keeps bees—often moving equipment by taxi.

(l) Eve Vaterlaus, painter, sculptor and designer, takes a moment to relax near New York beehives. (r) Kevin Masback, here in his garden with his wife Valeriana, pauses by their beehives. He councils young beekeepers in Brooklyn, saying "It's wonderful what's happening today; the young are very interested in organic farming and beekeeping also."

advertise.

Coté, a fourth generation beekeeper, says, "Inspecting the hives is difficult in New York, parking your car, carrying the material... And on top of that, urban beekeeping requires a more serious monitoring of the colonies because of swarming... everything goes all right because the members of the association help each other to monitor the hives. But a few days ago, there was a swarm right in the heart of Manhattan." Such an event would be a red flag for the bee police. So far this year, there have been citations.

Berger could see that the situation was untenable. Both pollination and protection for those providing it are essential to the goal of what she calls food sovereignty. Her background had prepared her well to confront the problem – an undergraduate degree in environmental science and MBA from Yale, as well as nearly a decade of work with non-profit organizations focused on sustainable food systems.

So it was that the beekeepers, with the guidance of Just Food, decided to take on the legalization of beekeeping in New York City. The campaign was planned for two fronts. First, they started dialogues with the government agencies that can change the law – the health department, which can amend the statute, and the city council, which can override it. Secondly, they began a campaign to educate the public: They went onto Facebook and Twitter and planned festivities to span Pollinator Week in June.

They found their overtures to the city cordially received. "We are impressed by how much time and attention they are giving to it," said Berger. But the reality has set in. Changing a statute is a glacially slow and energy consuming process that involves overcoming fear. "They can't wave a magic wand," she said.

A spokesman for the city's Department of Health, John Gadd, said, "By nature, bees are wild, and people are in danger of being stung. And for those who are allergic to bees, it's a-life-or-death issue."

Dr. Michael S. Engel, an entomologist at the American Museum of Natural History says, "I disagree with the city's rating of the bees as a threat, though I can understand the city's concern. Honey bees won't hurt you unless you grab them, or go after their hive. They are docile and just want to go about their business of gathering pollen and nectar." He finds that "yellow jackets are more dangerous than honey bees. Wasps are aggressive hunters looking for the kill."

Manhattan beekeeper Jill Goodman said, "If people are allergic to bees, they shouldn't be beekeepers, but that shouldn't mean that other people can't be beekeepers. Some people are allergic to peanuts, but that shouldn't stop stores from selling peanuts."

Just Food is working on proposed wording to satisfy the city's need for regulation and its reluctance to add bureaucracy. Berger points out that existing law already requires hives to be registered with the state. She adds that some kind of limit for the number of hives per apiary and apiaries per city block might be incorporated, as well as best use practices such as setbacks from property lines and locations of flyways – things that beekeepers are already aware of.

The laborious work of effecting change had a fun side to it. Pollinator Week began with a Beekeepers' Ball at the Water Taxi Beach on the South Street Seaport. Bee geeks, farmers, and wannabees showed up in such creative homemade costumes that the *New York Times* online devoted a slide show to the get-ups. Honey-coated pork ribs, hot dogs with honey mustard, and burgers in sliced honey-glazed buns were served on constantly replenished trays. Mead was passed out by the proprietors of the Long Island Meadery, and honey beer, made with city honey, was provided by Kelso, a Brooklyn-based brewery.

What was billed as a honey festival at the Union Square Greenmarket featured observation bee hives and New York City honeys for sale and tasting. A rally was held to generate signatures for a petition in favor of legalization. Jimmy's No. 43, a bar with a reputation for serving well-prepared local food, was the site of a mead tasting from Long Island Meadery and Manhattan Meadery. The program included a virtual visit to "the incredible hidden world of urban beekeeping without leaving your bar-stool."

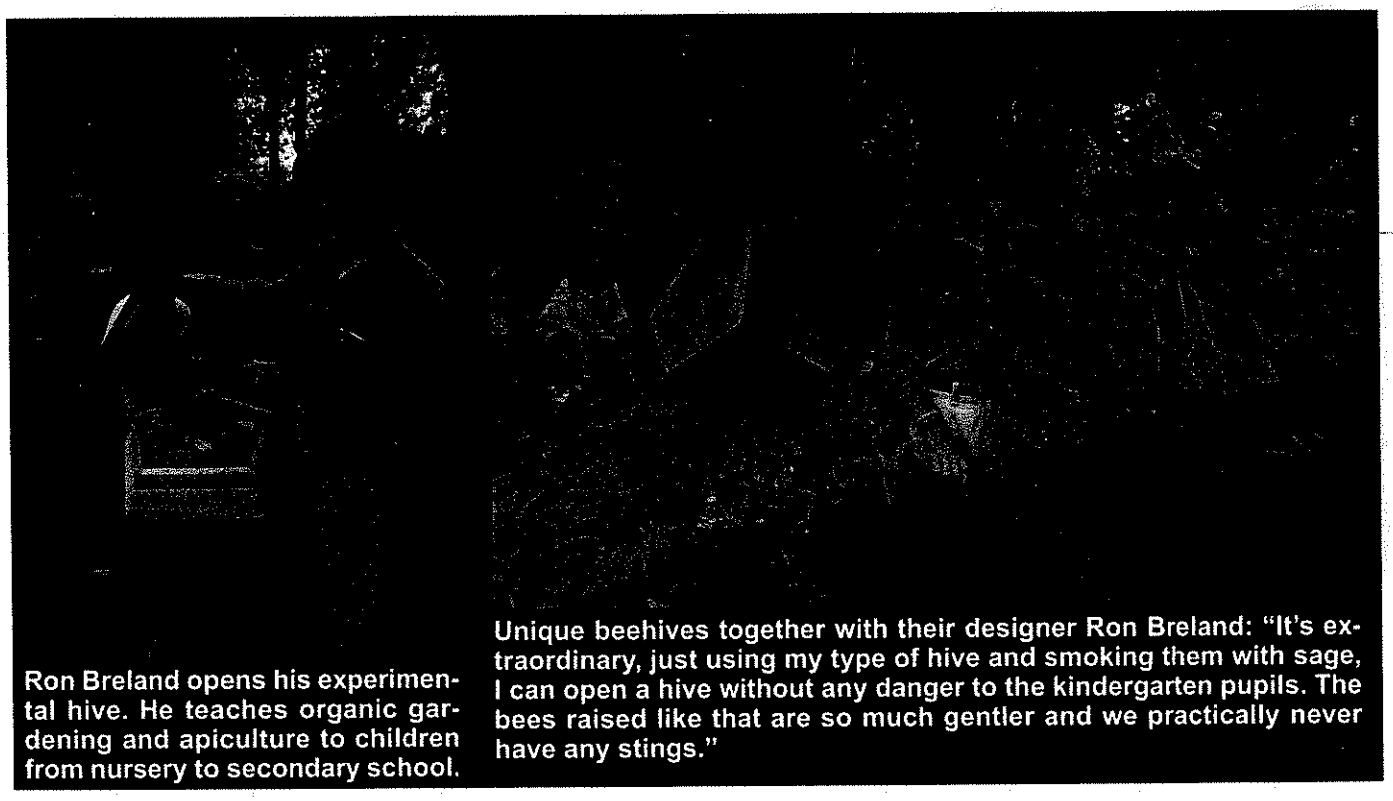
New York Nectar, innovative honey dishes created for menus for Pollination Week, had more than 18 restaurants participating. An example was Café Mae Mae, which created a three-course tasting menu with local honey: corn and tomato salad with honey vinaigrette, honey glazed sea bass, and honey comb dipped in chocolate. Habana Outpost offered honey smoothies with its bicycle powered smoothie machine – with a discount to customers who powered their own smoothies.

The good times have rolled up some progress. Petitions to make honest work out of illicit beekeeping have been signed by several thousand people; further signatures are sought at www.justfood.org. The health department is receptive to a continued dialogue. Brooklyn Councilman David Yassky has introduced legislation to repeal the ban on keeping honey bees.

Jacquie Berger is optimistic: "We were thrilled by the enthusiasm for the events. This is a fun and exciting movement to be a part of. Beekeeping is a public service. The beekeepers in New York City are doing such important work from providing pollination to education, and they are doing this at their own peril. We want them to do this work unfettered."

As for John Bernard, the grey bearded New York State Apiary Inspector leaning on the bar at the Beekeepers' Ball, legalizing bees in the city would make his job a lot more difficult. Of the emerging urban scene he says, "It's wonderful."

**Eric Tourneret is a photojournalist who lives in Paris with his wife and daughter. He has spent the last five years traveling the world taking photos of endangered beekeeping. His**



Ron Breland opens his experimental hive. He teaches organic gardening and apiculture to children from nursery to secondary school.

Unique beehives together with their designer Ron Breland: "It's extraordinary, just using my type of hive and smoking them with sage, I can open a hive without any danger to the kindergarten pupils. The bees raised like that are so much gentler and we practically never have any stings."

**book *Le peuple des abeilles* is available from Amazon Canada.**

**M.E.A. McNeil is a journalist and graduate of Marion Ellis's Master Beekeeping Course at the University of Nebraska. She lives in San Anselmo, California on a small CSA with her husband and youngest son, beekeepers all. She can be reached at mea@onthefarm.com.**

# Legal Honey Bees

## New York City Bees and Beekeepers Come Out of Hiding

by REINOUT VAN WAGTENDONK

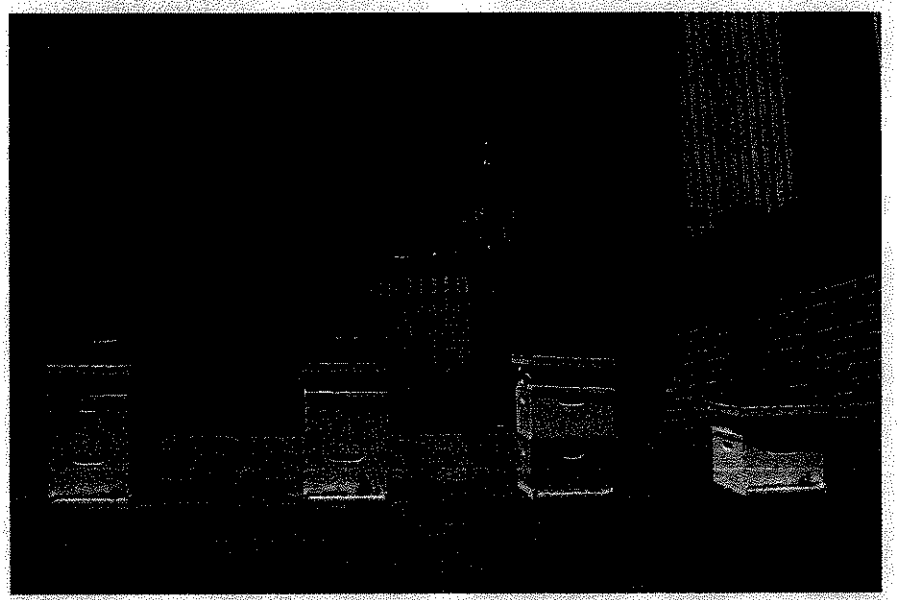
Walk across the Brooklyn Bridge these days and you might spot the beehives on the roof of Bridge Café, "the oldest drinking establishment in New York". The restaurant on Manhattan's Water Street dates from 1794, but the hives are a recent addition. Until March of this year, beekeeping was banned in the Big Apple. But beekeepers in the boroughs have to hide no longer. As soon as the ban was lifted, urban hives were moved out into the open. Old hands came in from the cold. And would-be apiarists got the opportunity they were waiting for.

Bridge Café owner Adam Weprin had wanted to host city bees for years, but did not want to break the law. "There was guerilla beekeeping going on, people were doing it illegally and I was very tempted to do it," Weprin acknowledged. "But the number one pitfall was liability. And also there was no glory in it. Even if I got to make the most delicious honey in the world, I couldn't tell you where I got it from."

Just days after the repeal of the city's health code ordinance against beekeeping, Weprin contacted Andrew Coté, an apiary veteran and the president of the New York City Beekeepers Association. Coté quickly arranged for a delivery from Wilbanks Apiaries in Claxton, Georgia, to Weprin's lower Manhattan eatery. Now, the transplanted colonies nesting in six hives on the restaurant's hot, tar papered roof sustain themselves through foraging in city gardens around City Hall and parks across the East River in Brooklyn.

Adam Weprin proudly calls himself "the uncle" of the Italian honey bees on his roof. "Andrew is the papa to the bees," he said.

Andrew Coté tends to some 40 hives in New York, mostly in Manhattan and Brooklyn, but also on top of a few industrial buildings in Queens. Like other beekeepers in the City, the ban and the possible fines of up to $2000 for violations did not stop him from keeping bees. But it did make him more circumspect. "If the ban were still in existence, I would not have had the hives this close to the edge of the roof, to make sure they weren't visible from the street," Coté pointed out on top of Bridge Café. "And I would have put up a large board or some other structure to block the view from the Brooklyn Bridge."



**Since New York City lifted its ban on beekeeping, the newly installed beehives on the roof of the lower Manhattan restaurant Bridge Café are easily visible from the Brooklyn Bridge and in sight of City Hall (center).**

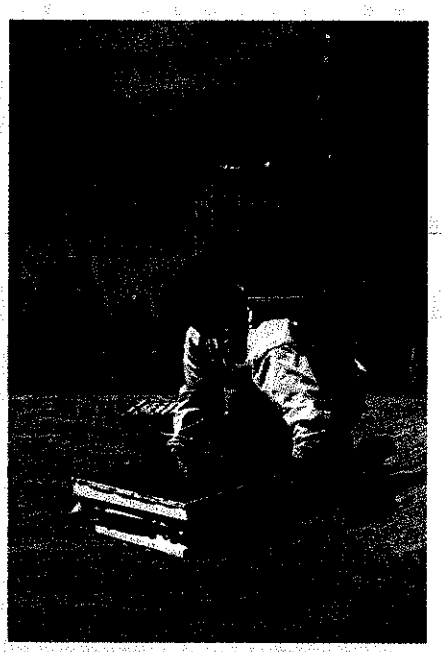
According to Coté, his New York City Beekeepers Association has about 250 members. He and several friends founded the group a couple of years ago, in a diner on Avenue A in Manhattan's East Village where he owns an apartment. The organized beekeepers kept up pressure on city government to end the prohibition.

Former New York City mayor Rudolph Giuliani instituted the ban about a dozen years ago, as part of his campaign to improve the general quality of city life by showing "zero tolerance" for even minor nuisances. The perceived threat of stinging bees to city dwellers – "an uninformed but not uncommon perception," said Coté – was deemed such a nuisance.

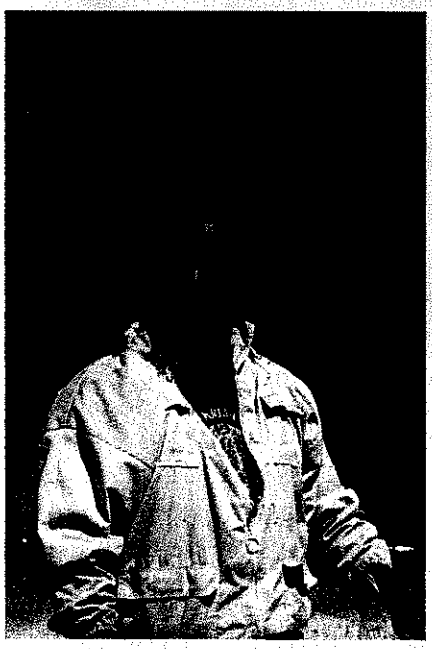
After studies and hearings and perhaps the alarming publicity about Colony Collapse Disorder, New York's current government, under mayor Michael Bloomberg, reversed the ban. The City's health department found bees no real threat to public safety, and officials proved open to arguments about the importance of healthy bee populations to sustainable agriculture.

"Most people don't make the connection between urban farming and New York," said Coté. "But we do have a tremendous number of community gardens. People are raising chickens here, and keeping honey bees has become quite popular amongst residents of all five boroughs. The Big Apple needs to be pollinated, just like any other apple."

Because the sight of beehives with world famous New York City landmarks as backdrop is a new and unexpected one, the end of the ban on bees has drawn international attention. On a hot spring afternoon, Bridge Café's rooftop not only held its six hives, restaurant owner Adam Weprin and Andrew Coté in beesuit with smoker, but also a CNN



**Urban beekeeper Andrew Coté tends to a hive on the roof of the lower Manhattan restaurant Bridge Café, within sight of New York's City Hall. After a prohibition of a dozen years, New York recently allowed keeping honey bees within city limits again.**



**Andrew Coté is president of the New York City Beekeepers Association. He has about 40 hives in Manhattan, Brooklyn and Queens, six of them on a restaurant roof next to the Brooklyn Bridge. Efforts by the organized, yet illegal beekeepers in New York helped convince city government earlier this year to make it once again legal to keep honey bees in the Big Apple.**

camera crew and reporters and photographers from Japan, Australia, Great Britain and the Netherlands. Quite a few of their questions dealt with the die-offs of honey bees. Would city bees perhaps prove more resistant to the disorders that are taking such a toll?

Coté cited a study by French beekeepers that suggested that honey bees in Paris did do better than their rural relatives, especially rural bees used to pollinate monoculture crops. He warned against reading too much into the French study, because the Paris colonies studied were not large enough a control group. "But I can tell you this," he said, "there are fewer pesticides and invasive agricultural methods used in an urban setting then there are in the countryside. I believe that in that sense urban beekeeping can definitely be a help."

Coté, 39, also tends to some 200 hives in the suburban environs of Fairfield County, Connecticut, and Westchester County, New York. Three years ago, he started Bees Without Borders, a non-profit charity that promotes beekeeping as a means to alleviate poverty all over the world. This year, the son of the well-known Connecticut beekeeper Norman Coté traveled to Haiti, Fiji and Ecuador to help people set up to make honey into a cash crop.

His international connections extend to the Netherlands. Dutch beekeeper Willem Schelberg, editor-in-chief of the beekeeping website **imkerplatform.nl** sent the NYCBA a letter of congratulations when the New York ban on bees was lifted.

"We look at New York as a shining example now," Schelberg said in a telephone interview from his hometown Heerlen in the Netherlands. "Urban beekeeping is not technically illegal in Holland, but the language in local ordinances does prohibit it in practice."

Schelberg hopes to use the New York example to get the restrictions on urban beehives in his own country loosened. "I will keep following their experiences," he said. "I am especially curious to see what public opinion will do when hives swarm out and the swarms scare people."

"Practicing safe and reliable swarm prevention techniques is even more essential in urban beekeeping," agrees Andrew Coté. "We don't want to upset the civilian population. Many people are not well versed in the truth about swarms being docile."

His widely dispersed hives in different neighborhoods of New York City add an extra challenge. Coté sounded like a Manhattan delivery driver for FedEx or UPS when he discussed his rounds. "This is a terribly frustrating part of urban beekeeping," he said. "Traffic and parking make getting around in a truck loaded with extra honey supers and equipment much different than the suburban brand of beekeeping."