

Chapter 8.07 of Title 8 of the Cupertino Municipal Code

Chapter 8.07

BEEKEEPING

Section

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ADDED PURPOSE SECTION

8.07.010 Purpose.

This chapter is enacted to provide for beekeeping, including urban beekeeping, activities within the City while minimizing impacts to surrounding properties through the establishment of beekeeping regulations.

REVISED & CONSOLIDATED DEFINITIONS

8.07.0210 ~~Apiary Defined.~~Definitions.

For the purposes of this chapter, the following definitions apply, unless it is apparent from the context that a different meaning is intended:

~~As used in this Title, "a~~Apiary" means a collection of bees, hives, and any accessory appliances, wherever the same are kept, located or found.

A. "Agricultural Apiary" means an apiary kept as a principal use on any property;

B. ~~"Urban Apiary"~~ means an apiary kept as an accessory use pursuant to Section 19.100.020, Accessory Uses and Facilities.

8.07.020 ~~Bees Defined.~~

~~As used in this article, "b~~Bees" means any stage of the common domestic honey-producing insects of the species *apis mellifica mellifera*, including the adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by their adults, except honey and rendered beeswax.

~~8.07.030 ——— Hive Defined.~~

~~As used in this article, "hive" means any receptacle, or container or structure used to house bees made or prepared for the use of bees, or a box or similar container of which bees have taken possession.~~

~~8.07.040 ——— Location Defined.~~

~~As used in this Title, "location" means any premises upon which an apiary is located.~~

~~8.07.050 ——— Notice Required When Moving Apiaries.~~

~~No apiary shall be moved into the City without notice in writing being given to the agricultural commissioner of the County within five (5) days from the date movement is begun, stating:~~

- ~~A. The number of colonies of bees to be moved into the City.~~
- ~~B. The location of the property in the City to which bees are to be moved, and the name and address of the owner of the property or person in possession thereof.~~
- ~~C. The distance of the proposed location of the apiary from the nearest public road intersection.~~

~~8.07.0360 Location, Number, Maintenance and Registration of Apiaries.~~

~~Any person may keep and maintain apiaries in accordance to the following regulations:~~

~~A. Location:~~

- ~~1. Agricultural apiaries as permitted in Chapter 19.20;~~
- ~~2. Urban apiaries in all zoning districts;~~
- ~~3. Minimum setbacks:~~
 - ~~i. Front property line and/or any public or private street: 20 feet; and~~
 - ~~ii. Side or rear property lines and/or driveway easements: Ten (10) feet, unless property owners of adjacent properties or beneficiaries of driveway easements have given written permission to locate hives at a closer distance.~~

~~B. Number: Only two hives may be kept or maintained on parcels less than 5,000 square feet in size.~~

~~C. Maintenance:~~

- ~~1. A constant water supply of fresh water adequate in quantity for the apiary should be provided and maintained on the location.~~
- ~~2. Any abandoned or disused apiaries shall be promptly dismantled and removed from the location.~~

~~D. Registration: All apiaries must be registered with the Santa Clara County Agricultural Commissioner as required by Division 13: Bee Management and Honey Production of the California Food and Agricultural Code commencing at Section 29000, or as thereafter may be amended.~~

~~A. At a distance less than one thousand (1,000) feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or~~

persons in possession thereof has given written permission to the location of said apiary at a closer distance.

B. ~~On any lands without the written consent of the owner or person in possession thereof.~~

C. ~~Closer than three hundred feet from any public road.~~

MOVED UP

8.07.070 ——— Water Supply.

~~A water supply adequate in quantity for the apiary should be provided and maintained.~~

8.07.080 ——— Identification of Premises.

~~Every person maintaining any apiary on premises other than their own residence shall identify the apiary by affixing and maintaining signs thereto showing the name of owner or person in possession of the apiary, the owner or persons address and telephone number, or a statement that the owner or person has no phone. These signs shall be prominently placed and maintained on each entrance side of the apiary and immediately adjoining the same and lettered in black at least one (1) inch in height on a white or light background.~~

REMOVED

8.07.090 ——— Notice, Correction of Violation.

~~Any person transporting or maintaining an apiary who violates any of the provisions of this chapter may be given verbal or written notice by the agricultural commissioner of the County or any law enforcement officer. A written notice shall also be posted on the location for forty eight (48) hours, and it shall be unlawful for the owner or person in possession of said apiary to fail to correct the violations within that period. The provisions of this Title, however, shall not authorize the keeping of bees in areas where they are not otherwise allowed by law.~~

CONTENT SIMPLIFIED IN
"ENFORCEMENT" BELOW

8.07.040 ——— Nuisance.

The maintenance or use of any real property in violation of this Chapter, or when an apiary's bees swarm and/or abscond, or which creates a condition as defined in Section 1.09.030, is hereby declared a public nuisance, is prohibited and is subject to code enforcement and all other enforcement remedies provided for in this Code.

NEW

8.07.05100 ——— Penalty Enforcement.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 1.10. In addition, Except where otherwise specified, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1.12.

CONTENT SIMPLIFIED TO
REFERENCE OTHER CHAPTERS

Table 19.20.020 of Section 19.20.020 of Chapter 19.20 of Title 19 of the Cupertino Municipal Code

ADD CROSS-REFERENCES TO EXISTING CHAPTERS
AND SECTIONS FOR CLARIFICATION PURPOSES

Table 19.20.020–Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones								
USES		ZONING DISTRICTS						
		A	A-1	R-1	RHS	R1C	R-2	R-3
1. Agriculture, horticulture, viticulture and forestry, including the following and similar uses:		P	P	–	–	–	–	–
(no change to subsections 19.20.020 (1) (a)-(g))								
h.	Poultry raising and hatcheries,	P	CUP-PC	See #27				
i.	Apiaries, pursuant to Chapter 8.07,	P	PCUP-PC	See #9				
j.	Nurseries, greenhouses and landscaping gardens	P	CUP-PC	See #20				
(no change to subsections 19.20.020 (1) (k) - 19.20.020 (8))								
9. Accessory facilities and uses customarily incidental to permitted uses and otherwise conforming with the provisions of Chapter 19.100 of this title;		P	P	P	P	P	P	P

REVISED FOR INTERNAL
CONSISTENCY WITH
CHAPTER 19.100