

CITY OF OJAI
ORDINANCE NO. 864

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA ADDING A NEW
CHAPTER 25 TO TITLE 4 OF THE OJAI MUNICIPAL
CODE TO ALLOW BEEKEEPING IN ALL ZONES.**

WHEREAS, at a lawfully-noticed public meeting held on April 26, 2016, the City Council of the City of Ojai (the "City Council") considered and received public comment on proposed changes to the City's Municipal Code to allow beekeeping in all zones within the City, in full compliance with State and County regulations.

WHEREAS, the Ojai Municipal Code currently provides that beekeeping or maintaining an apiary is permitted only in Agricultural and Open Space Districts.

WHEREAS, the presence of honey bees and beekeeping is recognized as necessary to maintain the ecological and agricultural health of the City.

WHEREAS, it is further recognized that permitting residential or "backyard" beekeepers contributes substantially to this goal during this time of crisis for the survival of the honey bee.

WHEREAS, the City Council desires to add a new Chapter 25 to Title 4 of the Ojai Municipal Code, permitting beekeeping in all zones within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Code Amendment. A new Chapter 25 is hereby added to Title 4 of the Ojai Municipal Code, to read as follows:

CHAPTER 25: BEEKEEPING

Section 4-25.01. Purpose.

The purpose of this chapter is to provide reasonable regulations for the keeping of bees within the City. The City intends that all beekeeping within the City be conducted in compliance with all State regulations governing bee management and honey production as provided in Division 13 of the California Food and Agriculture Code, section 29000 et seq.

Section 4-25.02. Beekeeping Generally Allowed.

It shall be unlawful for any person to keep bees in the City except in a manner in compliance with the provisions of this ordinance.

Section 4-25.03. Conditions for Beekeeping.

Each person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind maintaining one (1) or more colonies of honey bees, *apis mellifera*, shall comply with all of the following conditions:

- (a) Each colony shall be maintained in movable-frame hives.
- (b) A water source with an adequate supply of water shall be provided for the bees at all times.
- (c) Adequate space shall be maintained in the hive to prevent over-crowding and swarming or aggressive behavior. For purposes of this ordinance, "aggressive bee behavior" shall be defined as more than one bee repeatedly striking, but not necessarily stinging, any person or domestic animal at a distance of fifteen (15) feet or more from the front of the hive entrance or a distance of five (5) feet or more from the side or rear of the hive.
- (d) Each colony shall be registered with the County Agricultural Commissioner and kept in compliance with all State regulations governing bee management and honey production as provided in Division 13 of the California Food and Agriculture Code, section 29000 et seq. Those regulations are enforced by the County Agricultural Commissioner.

Section 4-25.04. Number and Location of Hives.

Notwithstanding any other provision of the Ojai Municipal Code, beekeeping shall be permissible in all zoning districts and on all property types in accordance with the following restrictions.

- (a) No more than one (1) hive shall be maintained on lots having less than 5,000 square feet in area.
- (b) On lots having at least 5,000 but less than 10,000 square feet in area, no more than two (2) hives shall be maintained.
- (c) On lots having more than 10,000 square feet in area, no more than one (1) hive shall be maintained for each 5,000 square feet of additional lot area.
- (d) Hives shall not be placed within twenty (20) lineal feet of any public street, sidewalk, or other public thoroughfare.
- (e) Hives shall not be placed within five (5) lineal feet of a property line.
- (f) Hive entrances shall be directed away from the nearest property line if the hive entrance is closer than twenty (2) lineal feet of a property line.

Section 4-25.05. Neighbor Notification.

Upon the effective date of this ordinance and before any new hive is installed, a prospective beekeeper shall be required to notify, in writing, all property owners within a 100 lineal foot radius of the hive's intended location.

SECTION 3. Environmental Determination. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing amendment to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) for the following independent reasons:

(a) Under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines, CEQA review is not required because this ordinance adopts regulations pertaining to beekeeping on existing properties. No new development or construction is authorized by this ordinance. As a result, nothing in this ordinance permits any expansion of use beyond that level of residential, commercial, and other land uses already existing in the City.

(b) Under California Code of Regulations, Title 14, Section 15308 of the CEQA Guidelines, CEQA review is not required because this ordinance adopts regulations allowing beekeeping and thereby assures the restoration and enhancement of the environment by allowing new bees and beehives to increase pollination and propagation of plant species, particularly fruit and nut trees and other beneficial natural, agricultural, and ornamental plant species.

The adoption of this ordinance is therefore exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15301 and 15308 of the CEQA Guidelines.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 6. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

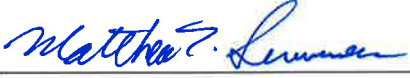
CITY OF OJAI, CALIFORNIA

By 
Paul Blatz, Mayor

ATTEST:


Cynthia Burell, City Clerk


APPROVED AS TO FORM:


Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Cynthia Burell, City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held September 27, 2016 and adopted at a regular meeting held on October 11, 2016 by the following vote:

AYES:	BLATZ, CLAPP, HANEY, LARA, WEIRICK
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE


Cynthia Burell
City Clerk for the City of Ojai