

**ORDINANCE NO. 16-2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 16.18 ADDING  
SECTION 16.18.1136 RELATED TO BEEKEEPING**

**WHEREAS**, in addition to the California Health and Safety Code substandard housing conditions the City of Elk Grove (the "City") adopted and maintains the Elk Grove Municipal Code to establish standards for safe and healthy living conditions; and

**WHEREAS**, the Elk Grove Municipal Code also sets out regulations regarding notice and posting of violations to inform property owners and tenants of substandard conditions; and

**WHEREAS**, the Elk Grove Municipal Code undergoes updates at times in an effort to best clarify and inform citizens of unsafe or unhealthy conditions; and

**WHEREAS**, this amendment is necessary to address the Elk Grove Municipal Code standards for beekeeping, which will be repealed from Title 8 of the code and codified with other nuisances in Title 16.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Amend Chapter 16.18 Adding Section 16.18.1136 – Care of Bees and Beehives.

Section 16.18.1136 is hereby added to the Elk Grove Municipal Code to read in its entirety as follows:

**16.18.1136 Care of bees and beehives.**

It shall be unlawful and constitute a public nuisance for any person who keeps beehives on his, her, or its property not to comply with the following regulations:

- A. Failure to comply with any zoning requirements set forth in the Zoning Code or recommendations made by qualified experts retained by the City Manager in conjunction with an investigation conducted under the authority of Elk Grove Municipal Code Chapter 14.07- Agricultural Disputes.
- B. All properties on which beehives are kept must provide for adequate water sources on the property. Adequate sources are ones that provide both an amount of fresh water necessary for the amount of bees or beehives and a

method for the bees to be able to gain a good footing to obtain the water. Adequate water sources must be in place prior to bees or beehives being placed on a property to ensure that the bees primarily use the provided water source and do not seek out water sources on neighboring properties prior to the arrival of their own water source.

- C. Anytime beehives are kept on a property that is not the property of the beekeepers, the bee boxes containing the hives must have the name, address and phone number for the beekeeper stenciled in black one inch letters on of each bee box.
- D. Failure to comply with any provision of the California Food and Agricultural Code related to bees and/or beekeeping.

#### Section 2: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.


#### Section 3: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### Section 4: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).

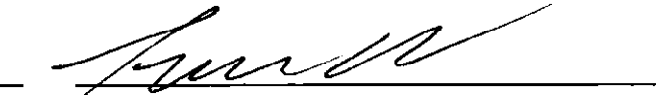
**ORDINANCE:** 16-2012  
**INTRODUCED:** July 11, 2012  
**ADOPTED:** July 25, 2012  
**EFFECTIVE:** August 24, 2012

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: August 9, 2012

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 16-2012**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 11, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 25, 2012 by the following vote:*

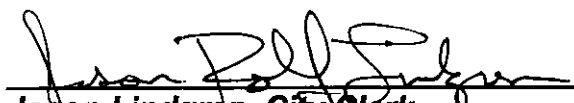
**AYES :**        **COUNCILMEMBERS:**        *Cooper, Hume, Davis, Scherman*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN:**   **COUNCILMEMBERS:**        *None*

**ABSENT:**    **COUNCILMEMBERS:**        *Detrick*

*A summary of the ordinance was published pursuant to GC 36933(c) (1).*

  
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**Jason Lindgren, City Clerk  
City of Elk Grove, California**