

ORDINANCE NO. 24-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, ADDING CHAPTER 9.55 TO ARTICLE 4 OF TITLE 9 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO PROVIDE FOR THE HUMANE REMOVAL OF BEE SWARMS AND COLONIES

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

- A. Bees are a type of pollinator, and they play a critical role in supporting biodiversity. Pollinators assist with plant reproduction by helping to move pollen within and between flowers. They are keystone species that help hold ecosystems together by supporting plant reproduction and diversity. They also pollinate the flowering plants that produce fruits, vegetables, and nuts. Over 1,200 types of crops require pollination and pollinators contribute an estimated \$500 billion to the global economy. Bees are responsible for pollinating about one-third of the world's food supply and honey bees alone provide pollination valued at \$15 billion to \$20 billion annually. In North America, honey bees pollinate nearly 95 kinds of fruits such as almonds, avocados, cranberries, and apples. Therefore, the protection of bees and pollinators is extremely important.
- B. Bee populations in the United States are declining at a rapid, unprecedented rate. Commercial beekeepers reported honey bee colony loss rates averaging 30 percent each winter. Native bee species such as bumble bees are also suffering from declining numbers. These declines are due to climate change, development of wild habitats, the use of bee-killing pesticides, and disease.
- C. In California, bees can only be eliminated in certain situations, including when there is a swarm or hive, and in such case only by a licensed pest control company. Licensed pest control companies must abide by California adopted regulations pertaining to the protection of bees.
- D. California Food and Agricultural Code Section 29322(a) authorizes the governing board of a city, county, or city and county to, by ordinance, establish procedures for the abatement of a bee hive or comparable apparatus where Africanized or overly defensive honey bees are present.
- E. In the absence of a local ordinance adopted pursuant to Section 29322(a), a county agricultural commissioner is authorized to determine whether the

presence of Africanized or overly defensive honey bees in a hive is a public nuisance, or if such bees are entering land other than the land upon which the hive is located so as to endanger the public health, safety, or welfare or so as to create an unreasonable interference with the use of the property of others. In that event, the commissioner may take any action necessary to abate the public nuisance, including, but not limited to, moving, selling, destroying, or otherwise disposing of the infested hive in accordance with local administrative procedures.

- F. On its own property, the City of West Hollywood requires live, humane bee removal when feasible. Bee control services typically take place in the parkways, public trees, meter and valve boxes, light poles, landscaped areas, outdoor structures, and other City maintained facilities and public right-of-way areas. The City bee removal policy requires contractors to provide services including treatment of swarm and/or colony, live bee removal and relocation services of swarm and/or colony, and removal of honey and comb material. Removal methods should be effective and safe. Live removal is required; freezing/other extermination methods and pesticide use are not allowed unless upon explicit approval by the City, which would involve public safety concerns. The use of smoke to settle a swarm and for removal activities is allowed. The Contractor is required to disclose to the City Representative instances when no-kill work is not successful.
- G. Bees on private property are the responsibility of the property owner. In California, bees can only be eliminated in certain situations, including when there is a swarm or hive, and in such case only by a licensed pest control company. Licensed pest control companies must abide by California adopted regulations pertaining to the protection of bees. There are no known regulations in place to require, where feasible, the removal of bees on private property in a humane way. The presence of honey bee hives in unsuitable areas (homes, offices, in a dense urban environment, etc.) increase the risk that bees and humans will have negative interactions where bees act to defend themselves, necessitating those hives' removal. The incompatibility of bees and humans can cause negative interactions and can cause bees to be "overly defensive." Even if those bees are acting normally to defend their hive, the hive's unusual proximity to people renders even that normal defense unusually dangerous.
- H. The City Council desires to establish procedures that require, where feasible, the use of non-lethal removal and relocation methods of bee swarms or hives on private property without the destruction or extermination of such bee hive or bee swarm.

SECTION 2. Environmental Review. The City Council finds that the Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines sections

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15307 and 15308. This action is intended to protect the environment and preserve the status quo by protecting existing bees from being killed through removal practices. As explained above, pollinators assist with plant reproduction by helping to move pollen within and between flowers. They are keystone species that help hold ecosystems together by supporting plant reproduction and diversity. They also pollinate the flowering plants that produce fruits, vegetables, and nuts. Their protection is critical to protecting the environment and natural plant resources.

SECTION 3. Amendment. A new Chapter 9.55 is added to Article 4 of Title 9 of the West Hollywood Municipal Code to read as follows:

“Chapter 9.55 — Humane Bee Removal and Relocation

9.55.010 Definitions

For purposes of this chapter, the following words shall have the following meanings:

“Applicator” means any person operating in the City who seeks to exterminate bees, as defined herein, by application of pesticides on a commercial basis or as part of a business operation in the City.

“Bee” or “bees” means members of the genus *Apis* species and all subvarieties, commonly known as “honeybees.”

“Bee hive” means a hive or comparable apparatus occupied by a live bee colony and that is accessible to bees.

“Bee swarm” means a temporary mass or cluster of bees together in close proximity on a structure or surface on or in which there currently exists no bee hive. Bee swarms typically rest on such a structure or surface while seeking to establish a new hive, and will usually leave the area in two to three days if undisturbed.

“Beekeeper” means any person or entity, either in a commercial or private capacity, which lawfully engages in the breeding or keeping of bee hives or colonies. Beekeepers must be up to date and current on all applicable licenses and permits otherwise required by local, state, or federal law.

“City” means the City of West Hollywood, California, acting through its City Manager or his or her authorized designee.

“Non-lethal methods” means any procedure or service reasonably intended to result in the removal of a bee hive or bee swarm without the destruction or extermination of such bee hive or bee swarm. The incidental or accidental destruction of one or more individual bees during a procedure or service does not disqualify such procedure or service from

qualifying as a non-lethal method. The use of pesticides is not a non-lethal method. Examples of non-lethal methods include, but are not limited to:

- a. Capture and relocation of bees by a beekeeper, such as through the use of a “hive box” or similar device;
- b. Application of smoke;
- c. Burning of citronella candles;
- d. Spraying a solution of garlic and water;
- e. Obtaining the services of a beekeeper.

9.55.020 Humane Bee Removal Except as otherwise provided in this section, the removal of any of the following within the City shall be performed by an applicator or beekeeper using non-lethal methods in a responsible manner:

1. A bee hive that has been declared by the City, the County of Los Angeles, or other authority having competent jurisdiction to constitute a public nuisance;
 2. A bee hive that exists on private property, and the owner or possessor of that property is authorized or required to cause such bee hive’s removal;
 3. A bee swarm exists on a structure, property, or surface; or
 4. Bees from a bee hive or bee swarm that are entering land other than the land upon which the hive is located so as to create an unreasonable interference with the use of the property of others.
- b. Subsection (a) does not apply when:
1. Extermination of bees is necessary to prevent imminent harm to persons or property due to the presence of bees within or near a residence, commercial or institutional structure, or other public gathering place or public right-of-way;
 2. Non-lethal methods would impose excessive costs compared to extermination;
 3. Such non-lethal methods would require damage to or loss of private property that would otherwise not occur if the bees were exterminated;
 4. Beekeepers are managing bee populations as part of their commercial or private activities; or
 5. Extermination is otherwise authorized or required by law.

9.55.030 Enforcement and Penalties

- a. An enforcement officer may issue administrative citations for any violation of this chapter pursuant to Section 1.08.010 of this Code.

b. Any violation of this chapter is deemed a public nuisance and may be abated pursuant to Section 1.08.010 of this Code.

c. All remedies in this section shall be cumulative and not exclusive of any other applicable provisions of local, state, or federal law.

d. Nothing in this Chapter is intended to create any requirement, power, or duty that is in conflict with any federal or state law.

SECTION 3. Administrative Penalties. The ordered list of West Hollywood Municipal Code violations subject to the administrative penalty procedures pursuant to Chapter 1.08 in Section 1.08.010(e) (Classification of Offenses – Administrative Penalties) in Chapter 1.08 of Title 1 of the West Hollywood Municipal Code shall be amended to include Chapter 9.55 to read as follows:

Chapter 9.55 Humane Bee Removal and Relocation

SECTION 4. Applicability. This Ordinance shall take effect one hundred and eighty (180) days after the date of its adoption.

SECTION 5. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th day of May, 2024 by the following vote:

AYES:	Councilmember:	Heilman, Meister, Shyne, Vice Mayor Byers, and Mayor Erickson.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:


 JOHN M. ERICKSON, MAYOR

ATTEST:

DocuSigned by:


 MELISSA CROWDER, CITY CLERK

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, Melissa Crowder, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 24-12 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 6th day of May 2024, after having its first reading at a regular meeting of said City Council on the 15th day of April, 2024.

I further certify that this ordinance was posted in three public places as provided for in Ordinance No. 24-03, adopted the 20th day of February, 2024.

WITNESS MY HAND AND OFFICIAL SEAL THIS 13th DAY OF MAY, 2024.

DocuSigned by:


MELISSA CROWDER, CITY CLERK