

## REVERE BOARD OF HEALTH REGULATION FOR THE KEEPING OF BEES

**WHEREAS**, honey bees are a critical part of flowering plant pollination and reproduction, and a necessary element in pollination of crops that make up a healthy food supply; and

**WHEREAS**, the Revere Board of Health seeks to promote the creation of urban agriculture initiatives to support local access to healthy food; and

**WHEREAS**, keeping domestic honey bees is a means of promoting local honey production and local food access and security; and

**WHEREAS**, keeping domestic honey bees fosters bee populations outside of the commercial beekeeping industry; and

**WHEREAS**, the Board of Health for the city of Revere promulgates the following regulation to protect the health of Revere residents, workers, students, and visitors.

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### Section 1. Purpose

The purpose of this regulation is to protect the public health of Revere residents, workers, students, and visitors while promoting healthy and safe local food access through regulation of the keeping of honey bees.

### Section 2. Authority

This regulation is adopted under the authority of M.G.L. ch. 111, §§ 31 and 122, and pursuant to any other authority conferred by state or local laws on the Revere Board of Health. Pursuant to this authority, the Board of Health designates the City of Revere's Department of Public Health and Department of Municipal Inspections (a/k/a Inspectional Services Department) and its Inspectors to carry out its role in the administration and enforcement of this regulation.

### Section 3. Definitions

**Abandoned Beehive:** Shall mean any unattended, occupied, or unoccupied Beehive exposed to occupancy by Bee Swarms.

**Abutters:** Shall mean owners of land directly adjacent to the property where Beekeeping is proposed as well as any property which is directly opposite of such property on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petition as they appear on the most recent applicable tax list.

**Apiary:** Shall mean a location or structure on a lot containing one or more Beehives and associated bee equipment.

Bee: Shall mean any life stage of the common domestic honey bee, *Apis mellifera*.

Bee Colony: Shall mean an aggregate of workers bees, drones, a single queen, and brood living together as one social unit.

Beehive: Shall mean a structure intended for the housing of one bee colony.

Beehive Flyway: Shall mean the direction in which bees fly when exiting a hive.

Beehive Flyway Barrier: Shall mean a solid wall, fence, or other barrier provided for the purpose of causing bees to fly on an upward trajectory or in an opposing direction from the beehive.

Beekeeper: Shall mean any person responsible for the keeping of bees.

Beekeeping: Shall mean the housing of one or more bee colonies on a lot for the purpose of collecting products including honey, beeswax, propolis, pollen, and royal jell, and/or to support the ecological benefits of pollination.

BOH: Shall mean the city of Revere Board of Health.

Flight Area: Shall mean a three (3) foot radius surrounding the entrance to a beehive. This area surrounding the beehive entrance is the site of heightened bee movement as bees enter and exit the beehive.

Honey: Shall mean the natural food product made by bees from nectar collected from a flower's nectarines or a plant's extrafloral nectarines.

Pests: Shall refer to rodents, vermin, and insects, including vectors that transmit diseases to humans, such as flies and mosquitoes.

Property Owner: Shall mean every person who has legal title or the right to occupy or control any parcel of land, whether built upon, vacant or otherwise.

Swarm: Shall mean a bee colony in search of shelter.

#### **Section 4. Requirements**

a. All persons keeping bees in Revere shall do so in compliance with all applicable federal, state, and local laws, rules and regulations including, but not limited to R.R.O. Title 17, Section 16.470.

b. Beekeepers shall not keep bees in a manner that would constitute a nuisance as set forth in M.G.L. ch. 111, § 122 or result in any unsanitary condition.

c. Any person keeping bees in Revere shall comply with the requirements of 330 CMR 8.00 et seq. (Massachusetts Apiary Inspection Regulations).

d. Any person keeping Bees in Revere shall follow the Massachusetts Beekeeper's Associations' Best Management Practices, as amended.

e. Any person applying for a license to keep bees in Revere shall demonstrate that he/she has completed a beekeeper training course with an area beekeeping club or association. Membership and active participation with a beekeeping association is strongly recommended.

f. Apiaries shall be registered with the Massachusetts Department of Agricultural Resources. ([https://www.mass.gov/apiary-program-honey-bees.](https://www.mass.gov/apiary-program-honey-bees))

## Section 5. Standards for Beekeeping

### a. Standards

#### i. Number of Beehives.

1. No more than two (2) beehives are allowed on a lot.
2. The maximum number of beehives may be increased to no more than four (4) on a temporary basis, for not more than twenty (20) days, for the purpose of rescuing a swarm or to accommodate the division of a bee colony into multiple bee colonies. The BOH must be alerted within 10 days to any increased number of beehives.

ii. Ground-level Beehives shall be constructed at least five (5) inches off the ground and use industry standard methods to exclude pests.

iii. All beehives shall be marked with the beekeeper's name and contact information.

#### iv. Eligibility of property

1. Must be an owner-occupied residence or single-family rental property with owner permission
2. Not allowed in non-owner occupied multi family dwelling

### b. Flyway Control

i. No beehive flyway may be oriented toward any of the following positions, unless a beehive flyway barrier is provided to ensure that bees fly up and away vertically:

1. An entry door, functioning windows, or private outdoor space such as a deck, porch, or balcony located within ten (10) feet of a beehive, whether of a building on an adjoining lot, or of a dwelling unit located on the same lot as a beehive, unless the occupant of the dwelling unit grants permission.

2. A public street, park, school grounds, walkway, or bikeway located within ten (10) feet of a beehive.
  3. An access point to a shared porch, balcony, or rooftop on which a beehive is located within five (5) feet of such access point.
    - ii. Where provided, a beehive flyway barrier shall be located within three (3) feet of the entrance to the beehive flyway, and shall extend at least one (1) foot above the height of the beehive and at least two (2) feet in width on either side of the beehive.
- c. Apiary Placement
- i. An apiary must be located at least five (5) feet from any property line or may be closer to the property line if there is a solid fence or wall separating the apiary from an abutting property.
  - ii. An apiary may be located on an elevated surface such as a porch, balcony, deck, or rooftop, provided that it conforms to the standards set forth herein and is set back at least six (6) feet from the parapet, or may be closer to a parapet if it contains a protective barrier such as a railing, fence, or wall.
- d. Care and Maintenance of Bees and Beehives
- i. Spills of honey and beehive by-products shall be removed regularly from a beehive, to exclude pests.
  - ii. Bees shall have access to fresh potable water daily. Fresh water provided to bees shall be emptied and refilled on a constant basis to prevent stagnant water from serving as a breeding ground for mosquitoes.

## **Section 6. License Required**

No person shall keep bees in Revere without obtaining a license to do so from the BOH. License holders must follow all local Public Health regulations and state public health Laws pertaining to beekeeping.

## **Section 7. License Application Requirements**

Each person proposing to keep bees shall submit an application to the BOH that shall include the following:

- a. Applicant name and contact information;
- b. Name and contact information of backup beekeeper;
- c. A scale drawing (hand-drawn or electronic), which depicts:

- i. The proposed beehive location(s) and dimensions, and
  - ii. The number of beehives,
- d. Beehive structure design including entrances, flight area, beehive flyway, beehive flyway barriers, and the location of any other structures on the lot;
- e. A description of the beehive(s)' construction including measures utilized to exclude pests;
- f. Written consent of the property owner(s);
- g. A written statement from the beekeeper; which shall include:
- i. A guarantee not to abandon any beehive, including, but not limited to, in the event that the lot where the beehive is located is sold or the beekeeper is no longer entitled to use the lot;
  - ii. A plan to transfer ownership of all licensed apiaries to another beekeeper or sanctuary if necessary.
- h. The applicant shall apply for a license on the form to be provided by the BOH. All materials submitted in a license application shall be considered part of any license issued by the BOH.
- i. After a license to keep bees has been issued, no modifications to plans submitted in support of an application to obtain said license shall be made unless such modified plans have been approved by the BOH.
  - j. Licenses issued by the BOH are personal to the licensee and shall not be transferable. A new license application must be submitted to the BOH whenever there is a new owner seeking to keep bees on said property. Any sale or transfer of the property that houses a beehive shall require immediate written notification by the beekeeper to the BOH. If the new property owner does not consent to the continued keeping of bees as the property, the licensee shall cease the keeping of bees at the property and promptly surrender any license to the BOH.
  - k. The license application fee for the issuance of a license shall be fifty (\$50) dollars and shall be due at the time the applicant submits the license application to the BOH.
  - l. The Board of Health will accept new applications until March 1<sup>st</sup> of each year.

## **Section 8. Variances**

- a. The BOH may grant a request for a variance of the requirements of this regulation if the BOH determines that such a requirement would constitute a substantial hardship and provided that the granting of a variance request will not jeopardize public health or the environment and shall not conflict with the intent and spirit of this regulation.

b. A request for a variance shall be submitted in writing to the BOH. The applicant shall make a request for a variance on a form to be provided by the BOH. The BOH may ask for supporting evidence prior to consideration at a public hearing. The request shall not be deemed complete until all such requested evidence has been received by the BOH.

c. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, after the holder thereof has been notified in writing and has been given an opportunity to be heard by the BOH in accordance with this regulation.

d. Any variance granted by the BOH shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public during business hours at the Health Department/Department of Municipal Inspections Office.

e. The fee for a request for a variance is twenty-five (\$25) dollars and shall be due at the time the applicant submits the application to the BOH.

#### **Section 9. Renewals**

a. All licenses to keep bees may be renewed annually. A person seeking to renew a license to keep bees shall submit an application for renewal to the BOH no later than March 1<sup>st</sup> of each year. The applicant shall apply for a renewal on a form to be provided by the BOH. Failure to timely apply for a renewal of license shall result in the termination of the license.

b. The application fee for a license renewal shall be twenty-five (\$25) dollars and shall be due at the time the applicant submits the application to the BOH.

#### **Section 10. Notification**

Upon receipt of a complete application for the issuance of a license for the keeping of bees or a request for a variance, the BOH shall provide written notification to the owner of the property where beekeeping is proposed. Such notice shall provide notice of the date and time of the public hearing of any such application or request. Such notification shall be made by certified mail, return receipt requested.

#### **Section 11. Hearings**

a. The BOH shall conduct public a public hearing to consider the issuance, suspension and revocation of licenses, and requests for variances pursuant to this regulation.

b. The BOH shall conduct public hearings as needed. Two hearing officers shall constitute a quorum for the purpose of convening a hearing and of conducting the business of the BOH pursuant to this regulation.

c. The BOH shall not consider any application for a license or request for a variance unless the BOH has received applications or requests that are complete.

d. The BOH shall not issue a license or grant a request for variance if the BOH determines the keeping of bees poses a health risk or nuisance to the public or to a persons who lives directly adjacent to or at the property where beekeeping is proposed. In making its determination, the BOH shall consider evidence of such risk. "Health risk" shall mean the likely possibility of physical injury or harm to one or more persons caused by the keeping of bees.

e. Health Inspectors or other staff of the Department of Municipal Inspections (a/k/a Inspectional Services Department) shall present his or her recommendations to the BOH at a public hearing as to whether a license should be issued, suspended or revoked or whether any request for a variance should be granted or denied.

f. The BOH, in its sole discretion, may approve or reject the entirety or portions of an application for the issuance of a license or request for a variance or may require modifications to any of these before any such issuance or variance is approved.

g. An applicant for the issuance of a license or variance or any licensee subject to suspension or revocation shall have a right to be heard at a public hearing before the BOH prior to the BOH rendering a decision.

h. The BOH may promulgate guidelines for orderly procedure at hearings and for the proper implementation of the BOH's responsibilities under this regulation.

## **Section 12. Enforcement and Violations**

a. Authority to enforce this Regulation shall be held by the BOH or its designees.

b. Any violation of this regulation may be enforced by the BOH through its designee Health Inspectors and/or inspectors of the Department of Municipal Inspections (a/k/a Inspectional Services Department), including any violation for noncompliance of any provisions of the State Sanitary Code (105 CMR 410), and may be subject to the penalties set forth in Revere Revised Ordinances 1.12, Article III, and 1.16, and/or in the manner provided in M.G.L. ch. 111, § 187.

c. Written notice of any violation of this regulation shall be sent to the beekeeper and property owner by the BOH, and shall:

i. Specify the nature of the violation and the schedule for compliance;

ii. Order any corrective actions that must be undertaken to remedy any violation of this regulation, and

iii. Order any preventative measure necessary to avoid future violations.

d. Any licensee may request a hearing before the BOH after receiving a notice of a violation. Such request must be made in writing and submitted to the BOH within ten (10) days of receipt of written notice of any violations.

e. At a public hearing in response to a licensee's request for a hearing, the BOH may deny, uphold, or uphold or deny in part, the violation.

### **Section 13. Inspections**

The BOH or its designees may inspect a beehive at any time to investigate whether there has been a violation of this regulation. The BOH or its designees shall conduct an inspection when any of the following apply:

- a. The BOH has received a written or oral complaint about the keeping of bees; or
- b. The BOH has received an application for the issuance of a license or a request for a variance or a request for the modification of any license. There may be one or more inspections conducted by the BOH or its designees during the application process.

### **Section 14. Imminent Health Hazards**

If the BOH or its designees determines that a beehive causes an imminent health hazard, the BOH or its designees may require that the beehive be immediately removed at the beekeeper's expense without a hearing.

### **Section 15. Penalties**

a. Any person who violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in R.R.O. 1.12, Article III, and 1.16, including applicable fines.

b. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

c. Any person who violates any provision of this regulation may be penalized by a complaint brought in a court of competent jurisdiction as provided by M.G.L. ch. 218, § 26. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation, consistent R.R.O. 1.16, shall be three hundred (\$300) dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

d. A beekeeper shall be wholly liable for any and all costs related to remediating any violation of this regulation as forth in M.G.L. ch. 111, § 124, including but not limited to any beehive, apiary, colony or swarm. Consistent with R.R.O. 1.16, Article III, and Chapter 497 of the Acts of 1991, a lien may be placed on the property of any person who has an outstanding balance due the city from any



penalties, fines, assessments or other charges resulting from violations of any city or state sanitary regulation or code.

**Section 16. Severability**

If any provision, clause, section, sentence, or paragraph of the above regulation shall be held to be invalid, such invalidity shall not affect the remaining provisions of this regulation. The valid part of any provision, clause, section, sentence, or paragraph shall be given independence from the invalid provisions, and to this end the provisions are hereby declared to be severable.

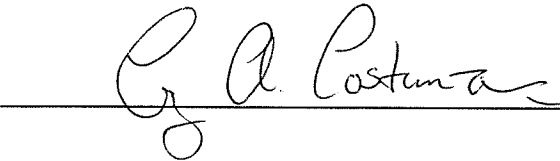
**Section 17. Effective Date:**

This regulation shall take effect on 12/7/21

Signatures of BOH members:

  
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