

Ordinances of 2024 - Chapter 1

An Ordinance Regulating the Keeping of Honey Bees

Be it ordained by the City of Boston, as follows:

SECTION 1.

The City of Boston Code, Ordinances, Chapter 16, Section 1.27, shall be created as follows;

16-1.27 Honey bees

a. Purpose

- i. The purpose of this ordinance shall be for the regulation and enforcement of keeping honey bees.

b. Definitions

- i. Hive - a manufactured receptacle or container prepared for the use of Honey bees that includes movable frames, combs and substances deposited into the Hives by honey bees.
- ii. Honey bee - a subset of bees in the genus *Apis*, primarily distinguished by the production and storage of honey and the construction of perennial, colonial nests out of wax.
- iii. Colony - means a natural group of honey bees having a queen or queens.

c. Registration; Fee

- i. Keeping of honey bees shall require registration with the Inspectional Services Department pursuant to the regulations set forth in Section 16-1.27(d).
- ii. The application fee shall be twenty-five (\$25.00) dollars.

d. Regulations

- i. The maximum number of Hives on any given lot or roof shall be five (5).
- ii. No Hive shall exceed six (6) feet in height and twentyfour (24) cubic feet in size on any lot or roof. No Hive will be placed on a roof that is not designed, intended and permitted by ISD for access and occupancy.
- iii. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5) feet from the property line.
- iv. Hives shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial zoning districts and subdistricts.
- v. No Hive shall be located closer than ten (10) feet from a public sidewalk.
- vi. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 1. The Hive opening must face away from doors and/or windows; or
 2. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honey bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet

- of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
- vii. Hives shall be set back six (6) feet from the edge of the roof.
 - viii. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 - 1. The Hive opening must face away from doors and/or windows; or
 - 2. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honey Bees fly upward, and away from neighboring properties, and safely secured. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
 - ix. Beekeepers shall adhere to appropriate beekeeping practices including:
 - 1. Maintaining bee colonies in hives that are kept in good working condition.
 - 2. Ensure a constant and adequate water source.
 - 3. Responding and taking immediate action as to any bee swarms
 - 4. Seeking to remediate any nuisance conditions.
 - x. All beekeeping shall comply with applicable State laws and regulations. Nothing about this ordinance is intended to waive or amend the requirements of CBC 9-9.13 Regulating Access to Roof Areas of Buildings with Residential Units. To the extent the provisions of this ordinance conflict, CBC 9-9.13 shall control.

e. Exceptions

- i. Any exceptions to this section must be approved by petition to the Inspectional Services Department, in a manner and form determined by the Department. Waiver or exemption to any provision of this Section shall be granted at the sole discretion of the Commissioner of Inspectional Services or designee.

f. Enforcement

- i. The Inspectional Services Department may promulgate rules and regulations necessary for the implementation and enforcement of this ordinance.
- ii. Enforcement of this section may be by written warning and/or cancellation of registration, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation of the terms of the permit by injunction.

SECTION 2.

This ordinance shall take effect after passage of docket 2024-0169 by the Boston Zoning Commission.

In City Council **MAR - 6 2024**
Passed yeas 13
Alex Quintas City Clerk
Approved **MAR 11 2024**
[Signature] Mayor



BOSTON CITY COUNCIL

Committee on Government Operations
Gabriela Coletta, Chair

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REPORT OF COMMITTEE CHAIR

March 06, 2024

Dear Councilors,

The Committee on Government Operations was referred *Docket #0168, Ordinance with respect to Honey Bees* on January 24, 2024. This matter was sponsored by Council President Ruthzee Louijeune.

Summary of Legislation:

Docket #0168 as filed amends the City of Boston Code, by adding Section 1.27 to Chapter 16 for the regulation and enforcement of keeping honey bees. This Docket was filed in tandem with Docket #0169 which petitions to remove the regulation and enforcement of keeping honey bees from the City of Boston Zoning Code.

The proposed Ordinance consists of the following: Purpose, Definitions, Registration; Fee, Regulations, Exceptions, Enforcement, and Effective date. Under the Definitions section, the Ordinance defines “Hive,” “Honey Bee” and “Colony” similarly to what is defined in the Zoning Code. Because the purpose of the Ordinance is to remove the regulation of keeping honey bees from the Zoning Code, the Ordinance creates Permitting Requirements through which residents may pay a fee to apply for a permit to keep bees.

In contrast to the current regulations under Article 89 of the Zoning Code, this Ordinance increases the minimum number of Hives allowed, and increases the allowed Maximum height and size from 5 feet in height and twenty (20) cubic feet in size to 6 feet in height and twenty-four (24) cubic feet in size.

In line with the current regulations under the Zoning Code, this Ordinance provides regulations related to hive placement at both the ground and rooftop levels. Where there is a wall, fence, or similar barrier between the subject property and the adjacent property, no setback from the property line is required. If there is no wall, fence, or similar barrier between the subject property and the adjacent property, hives must be set back five feet from the property line. Hives cannot be located in a front yard or side yard that abuts a street in residential and commercial zoning districts and subdistricts. Hives must be at least ten feet from a public sidewalk. The proposal also establishes flyway or hive opening requirements for hives within 20 feet of doors or windows of the principal building on an adjacent property. Roof level hives must be set back six feet from the edge of the roof and must also comply with flyway or hive opening requirements.

The proposed Ordinance also adds requirements related to Beekeeping practices for Beekeepers requiring beekeepers maintain colonies in good working conditions, ensuring adequate water access, responding and taking immediate action as to any bee swarms and to remediate any nuisance conditions.

The enforcement of this Ordinance is under the jurisdiction of ISD and any exceptions to provisions of this proposal must be approved by ISD.

This Ordinance will become effective following the Zoning Commissions adoption of the Text Amendment in Docket #0169 removing the regulation of bee keeping from the Zoning Code.

Information Gathered:

The Committee held a hearing on this matter on March 20, 2023 (Docket #0138). The Committee held a working session on February 23, 2024. Invited panelists included Christopher English, Chief of Staff, Inspectional Services Department and Shani Fletcher, Director of GrowBoston, testifying on behalf of the Administration. During this working session, Councilors had the opportunity to speak with the Administration to discuss their concerns and suggestions as well as any further questions still needing clarification. The Chair was joined by Councilor Liz Breadon, Council President Louijeune, Councilor Murphy, Councilor Fernandes Anderson and Councilor Flynn.

The Committee reviewed the language of the Ordinance section by section, line by line. With regard to Section 1. c. Permit Required; Application Fee, it was decided that this section will be amended to Section 1. c. Registration; Fee. It was explained that because beekeeping is allowed as of right in many cities, the Sponsor did not want to create an application process, nor did she want to make the process more onerous by adding a fee. However, the sponsor explained that a registration system would ensure oversight and acknowledged the costs that ISD will incur making sure residents are registering and adhering to the future rules promulgated by their department. For those reasons, the sponsor felt a \$25 fee was reasonable (as opposed to a \$50 fee).

With regard to the regulations section, it was stated that increasing the minimum number of hives as well as their height and size, was meant to increase the breadth of beekeepers covered by the Ordinance. In discussing beekeeping practices, it was explained that the Ordinance requires adherence to best practices modeled after NYC where they recently passed similar regulations.

The Administration explained ISD enforcement mechanisms and stated that once the Ordinance goes into effect, ISD will release a commissioners policy bulletin which will include the administrative regulations and procedures that the Department will need in place to create the operational structure for enforcing the Ordinance. It was explained that the bulletin will outline the process through which someone may apply, what documentation will be required, how applications will be reviewed and processed, as well as how complaints will be responded to, how, when and where violations will be issued, and how to appeal the same.

Summary of Amendments

Based upon discussions between Councilors and the Administration, the docket is amended as follows:

SECTION 1

c. Permit Required; Application Fee Registration; Fee

- i. Keeping of honey bees shall require ~~a permit issued by~~ registration with the Inspectional Services Department pursuant to the regulations set forth in Section 16-1.27(d).
- ii. The application fee shall be ~~fifty (\$50.00)~~ twenty-five (\$25.00) dollars.

f. Enforcement

- i. The Inspectional Services Department may promulgate rules and regulations necessary for the implementation and enforcement of this ordinance.
- ii. Enforcement of this section may be by written warning and/or ~~revocation of the permit~~ cancellation of registration, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation of the terms of the permit by injunction.

SECTION 2

This ordinance shall take effect after passage of docket 2024-~~XXX~~ 0169 by the Boston Zoning Commission.

Recommended Action:

The Chair of the Committee on Government Operations, to which the following was referred:

Docket #0168, Ordinance with respect to Honey Bees,

submits a report recommending that this docket **ought to pass in a new draft.**

For the Chair:



Gabriela Coletta, Chair
Committee on Government Operations