BILL NO. 144
(DRAFT 2)ORDINANCE NO. 24 65

AN ORDINANCE AMENDING CHAPTER 4 AND CHAPTER 25 OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO APIARIES AND BEEKEEPING.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Findings and purpose. Bees play a vital role in supporting mankind, agriculture, and native ecosystems by pollinating food crops. In addition, they provide useful products, such as honey and wax and queen bees, because Hawai'i's tropical weather, climate, and diverse plant life provide optimal conditions for year-round breeding of queen bees. Queen bees are exported to assist with ensuring a more genetically diverse, adaptive and resilient global bee stock.

The purpose of this ordinance is to promote beekeeping in Hawai'i County by establishing generally accepted apiary management practices for sound and sustainable beekeeping practice, and adding apiaries to the list of allowable uses in various zoning districts.

SECTION 2. Chapter 4, article 1, section 4-1-1, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by amending the definition of "animals" to read as follows:

"“Animals,” unless provided otherwise, include but are not limited to those animals that are customary and usual pets such as dogs, cats, rabbits, birds, ~~[honey bees]~~ and other beasts which are maintained on the premises of a dwelling unit and kept by the resident of a dwelling unit solely for personal enjoyment and companionship, such as, without limitation, for a hobby, for legal sporting activities and for guarding of property. Animals shall also include honey bees and exclude aviary game birds and fish as defined in Hawai'i Revised Statutes.”

SECTION 3. Chapter 4 of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by adding a new article to read as follows:

“Article 5. Management of Apiaries and Beekeeping.

Section 4-5-1. Findings and purpose.

The council recognizes the critical role bees play in agriculture, pollinating food crops and furnishing useful agricultural products, such as honey, wax, and queen bees. The purpose of this

article is to safeguard and promote this agricultural activity by identifying generally accepted apiary management practices for beekeeping. Adherence to these practices will promote healthy apiaries, prevent undesirable bee behavior, mitigate infestations of apiary pests, and deter hive abandonment. Further, through this article, it is the council's intention to establish that chapter 165, Hawai'i Revised Statutes, the Hawai'i right to farm act, applies to apiaries and individuals involved in the production of apiary products, where applicable.

Section 4-5-2. Scope.

This article establishes generally accepted apiary management practices for beekeeping within zoning districts in the County that permit apiaries. Nothing in this article is intended to conflict with any State or Federal law.

Section 4-5-3. Definitions.

As used in this article, unless it is apparent from the context that a different meaning is intended:

"Africanized honeybee" means all life stages of the animal subspecies *Apis mellifera scutellata* or *Apis mellifera adanosii*.

"Apiary" means a site where one or more colonies of bees and beehives are kept and maintained.

"Bee" or "honeybee" means all life stages of the common domesticated honeybee European subspecies *Apis Mellifera*. This definition does not include wasps, hornets, African subspecies, or Africanized hybrids.

"Beekeeper" means a person who intentionally owns, operates, maintains, possesses or otherwise is in charge of an apiary.

"Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

"Disease" means any condition adversely affecting bees or their brood, which may become epidemic, including without limitation, bacteria, viruses or invertebrate pests.

"Flyover barrier" means a solid wall, fence, or dense vegetation, or combination thereof, that encourages honeybees to fly over rather than through the barrier.

"Hive" means a container or receptacle housing a bee colony and includes moveable frame structures to facilitate the colony's development.

Section 4-5-4. Generally accepted apiary management practices.

- (a) Beekeepers shall, to the best of their ability, maintain a healthy colony of bees by adhering to generally accepted apiary management practices as set forth in this section.
- (b) These generally accepted apiary management practices encompass, but are not limited to, the following:

- (1) Beekeepers regularly inspect their apiary and implement suitable measures to prevent and mitigate potential nuisance activities, ensuring both the health and well-being of the apiary and public health and safety;
- (2) Maintain colonies in hives with removable frames, that are kept in sound and usable condition;
- (3) Maintain an adequate and accessible supply of fresh water on-site, including landing sites for the honeybees to drink from;
- (4) Protect hives from bright lights at night;
- (5) Proactively manage colonies to prevent swarming;
- (6) Ensure effective sanitation practices to prevent disease and robbing, mitigate pests such as small hive beetles, wax moths, and varroa mites, and bolster overall hive health;
- (7) Thoroughly clean reused hives and beekeeping equipment to remove hive products such as old comb and honey, and properly store hives to prevent robbing or pest invasion;
- (8) Support year-round bee activity by planting non-invasive seasonal flowers and species suitable to the regional climate;
- (9) Practice fire safety when using a bee smoker, and ensure the smoker is completely extinguished following use;
- (10) Requeen hives and colonies if aggressive behavior is observed;
- (11) Be considerate of neighbors by placing hive boxes as far away as feasible from neighboring properties with dwelling units; and
- (12) Respond to concerns, complaints, and other issues from neighbors in a manner that seeks to find mutually agreeable resolutions and avoid further potential conflict.
- (c) Novice beekeepers should consult with the department of research and development, State department of agriculture, and other entities possessing expertise and experience in apiary management to establish and sustain safe, healthy, and productive hive operations.

Section 4-5-5. Nuisance.

- (a) Nuisance complaints, such as aggressive bee behavior or other activity that disrupts or impedes public health and safety, shall be filed with the vector control division of the State department of health.
- (b) Detection of Africanized honeybees shall be reported to the State department of agriculture."

SECTION 4. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by amending the definition of "livestock" to read as follows:

““Livestock” means all animals generally associated with farming, which are raised or kept for food and other agricultural purposes. Such animals [~~include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry and swine.~~] include: swine; cattle; horses; goats; sheep; chickens, ducks, geese, turkey, and other poultry; rabbits; and bees.”

SECTION 5. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by adding the following definition to be appropriately inserted and to read as follows:

““Apiary” means a site where one or more colonies of bees and beehives are kept and that are maintained in accordance with generally accepted apiary management practices pursuant to section 4-5-4 of this Code.”

SECTION 6. Chapter 25, article 4, division 4, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by adding a new section to be appropriately inserted and to read as follows:

“Section 25-4- . . . Apiaries.

Apiaries shall be limited to no more than fifteen honeybee hives on lots less than twenty thousand square feet. The director may grant an exemption for lots less than twenty thousand square feet with more than fifteen honeybee hives. Apiaries shall be located at least twenty-five feet from any property line. Exception: apiaries situated behind a flyover barrier must maintain a distance of at least fifteen feet from any property line. Flyover barrier shall have the same meaning as defined in section 4-5-3 of this Code.”

SECTION 7. The following provisions of the Hawai'i County Code 1983 (2016 Edition, as amended):

- Chapter 25, article 5, division 1, section 25-5-3, subsection (a), (relating to RS, single-family residential districts);
- Chapter 25, article 5, division 2, section 25-5-22, subsection (a), (relating to RD, double-family residential districts);
- Chapter 25, article 5, division 3, section 25-5-32, subsection (a), (relating to RM, multiple-family residential districts);
- Chapter 25, article 5, division 4, section 25-5-42, subsection (a), (relating to RCX, residential-commercial mixed use districts);
- Chapter 25, article 5, division 5, section 25-5-52, subsection (a), (relating to RA, residential and agricultural districts);
- Chapter 25, article 5, division 6, section 25-5-62, subsection (a), (relating to FA, family agricultural districts);
- Chapter 25, article 5, division 7, section 25-5-72, subsection (a), (relating to A, agricultural districts);
- Chapter 25, article 5, division 8, section 25-5-82, subsection (a), (relating to IA, intensive agricultural districts);
- Chapter 25, article 5, division 9, section 25-5-92 subsection (a), (relating to V, resort-hotel districts);
- Chapter 25, article 5, division 10, section 25-5-102, subsection (a), (relating to CN, neighborhood commercial districts);

Chapter 25, article 5, division 11, section 25-5-112, subsection (a), (relating to CG, general commercial districts);
Chapter 25, article 5, division 12, section 25-5-122, subsection (a), (relating to CV, village commercial districts);
Chapter 25, article 5, division 13, section 25-5-132, subsection (a), (relating to MCX, industrial-commercial mixed districts);
Chapter 25, article 5, division 14, section 25-5-142, subsection (a), (relating to ML, limited industrial districts);
Chapter 25, article 5, division 15, section 25-5-152, subsection (a), (relating to MG, general industrial districts);
Chapter 25, article 5, division 16, section 25-5-162, subsection (a), (relating to O, open districts); and
Chapter 25, article 7, division 2, section 25-7-22, subsection (a), (relating to CDH, downtown Hilo commercial district),

are amended by adding a new use to be appropriately inserted, numbered, and to read as follows:

“() Apiaries.”

SECTION 8. Chapter 25, article 5, division 7, section 25-5-72, subsection (a), Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending paragraph (17), relating to livestock production, to read as follows:

“(17) Livestock production, provided that piggeries~~[,apiaries,]~~ and pen feeding of livestock shall only be located on sites approved by the State department of health and the director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district.”

SECTION 9. Chapter 25, article 5, division 8, section 25-5-82, subsection (a) of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending paragraph (9), relating to livestock production, to read as follows:

“(9) Livestock production, provided that piggeries~~[,apiaries,]~~ and pen feeding of livestock shall not be closer than one thousand feet away from any major road or to any district other than the A district on building sites approved by the State department of health and the director.”

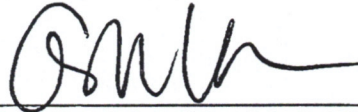
SECTION 10. Material to be repealed is bracketed and stricken. In printing this ordinance, the list of permitted uses contained in subsections 25-5-3(a), 25-5-22(a), 25-5-32(a), 25-5-42(a), 25-5-52(a), 25-5-62(a), 25-5-72(a), 25-5-82(a), 25-5-92(a), 25-5-102(a), 25-5-112(a), 25-5-122(a), 25-5-132(a), 25-5-142(a), 25-5-152(a), 25-5-162(a), and 25-7-22(a) may be reordered and renumbered as appropriate.

SECTION 11. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 12. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does 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.

SECTION 13. This ordinance shall take effect upon its approval.

INTRODUCED BY:



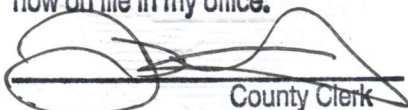
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: August 21, 2024
Date of 1st Reading: August 21, 2024
Date of 2nd Reading: September 4, 2024
Effective Date: September 20, 2024

REFERENCE Comm. 786.43

I HEREBY CERTIFY that above is a true and correct copy of the original now on file in my office.


County Clerk

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

COUNTY CLERK
COUNTY OF HAWAII

2024 SEP 20 PM 12: 24

(Draft 2)

Introduced By: Ashley L. Kierkiewicz
Date Introduced: August 21, 2024
First Reading: August 21, 2024
Published: August 30, 2024

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas			X	
	8	0	1	0

Second Reading: September 4, 2024
To Mayor: September 11, 2024
Returned: September 20, 2024
Effective: September 20, 2024
Published: October 11, 2024

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 20th day
of September, 2024
Kevin B. Roth
MAYOR, COUNTY OF HAWAII

Kimball
COUNCIL CHAIRPERSON
[Signature]
COUNTY CLERK

Bill No.: 144 (Draft 2)
Reference: C-786.43/PCHSW-15
Ord No.: 24 65