

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO APIARIES AND BEEKEEPING**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

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, wax, and queen bees, because Hawaii'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. Supporting year-round bee activity by planting non-invasive seasonal flowers and species suitable to the regional climate.

The purpose of this Ordinance is to promote beekeeping in Kaua'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. Nothing in this article is intended to conflict with any State or Federal law.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kaua'i County Code 1987, as amended, is hereby amended by adding new definitions to be appropriately inserted and to read as follows:

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

"Animals" unless provided otherwise, include but are not limited to those animals that are customary and usual pets such as dogs, cats, rabbits, birds, 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 honeybees and exclude aviary game birds and fish as defined in Hawai'i Revised Statutes.

"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.

“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.

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

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua‘i County Code 1987, as amended, is hereby amended by adding a new subsection 8-2.4(y), to be appropriately inserted and to read as follows:

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Sec.	USE	ZONING DISTRICT										
		Residential			Commercial			Industrial				
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV	
8-2.4(y)	Apiary	P	P	P	P	P	P	P	P	P	P	P

”

SECTION 4. Chapter 8, Section 1.4, Kaua‘i County Code 1987, as amended, is hereby amended by establishing a new subsection 8-1.4(j) – 8-1.4(n) to be appropriately inserted and to read as follows:

“(j) A Beekeeper shall:

- (1) Inspect their apiary and implement measures to prevent and mitigate nuisance activities, ensuring the health of the apiary and public health and safety;
- (2) Maintain colonies in hives with removable frames, that are kept weatherproof and free from rot or infestation;

- (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) Manage colonies to prevent swarming; and
- (6) Practice fire safety when using a bee smoker and ensure the smoker is completely extinguished following use.

- (k) 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 Branch of the State Department of Health.

- (l) Detection of Africanized honeybees shall be reported to the State Department of Agriculture.

- (m) There shall be no more than fifteen (15) honeybee hives on any lot less than twenty thousand (20,000) square feet; provided that, upon application, the Director may authorize a greater amount of hives on a lot if the Director finds in writing that the number of additional hives will not impair the purposes of this section.

- (n) No honeybee hive shall be located within twenty-five (25) feet of any property line except where a flyover barrier is situated between a honeybee hive and the property line, then the honeybee hive shall not be located within fifteen (15) feet from the property line.”

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:



ADDISON BULOSAN



FERN HOLLAND

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

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