The Buzz About Bees: Effective Municipal Beekeeping Regulations

By: Helen Clemens



Introduction

In early 2007, beekeepers and researchers alike began to notice a significant problem of widespread losses of honey bee colonies throughout the country.[1] This problem, termed "Colony Collapse Disorder" (CCD), entailed the failure of more than 30% of hives across the United States during the winter of 2006-2007,[2] without any evidence or symptoms of known causes of colony death.[3] Losses were observed at a slightly higher rate the following year,[4] and by 2009, CCD had become a widely recognized problem not only inside the beekeeping and agricultural research communities, but also in mainstream media coverage.[5] Because the honey bee pollinates 80% of all flowering crops, which equates to one-third of food consumed in the United States,[6] this CCD phenomenon produced much cause for alarm. Several different companies produced educational and fundraising campaigns in support of honey bees[7] and Congress required the USDA to research causes and solutions to CCD.[8] To date, there is no confirmed explanation for this disappearance of honey bees.

Interestingly, in the time since CCD became a known problem for honey bees, there has been an incredible rise in backyard apiculture.[9] In fact, the backyard beekeeper provides an important service in caring for and cultivating bees that allows them to thrive and pollinate throughout the local ecosystem. Not only do bees help to safeguard local food sources, some scientists believe that healthy, strong local bees may help to strengthen the species,[10] which is particularly important in this time of crisis.

In response to this rising interest in beekeeping, many cities have been lobbied to remove bans on beekeeping, or have introduced new regulations to permit beekeeping in residential areas.[11] This paper will survey and analyze different models for municipal beekeeping regulations (looking to examples from Melbourne, Florida; Hillsboro, Oregon; Savannah, Georgia and Baton Rouge, Louisiana) and balance the competing interests of the beekeeper, neighbors, and the municipal government; and will propose a model policy for municipal governments to adopt in order to best protect each of these interests.

Part I: Relevant Facts and Information about Honey Bees

As with any effort to regulate, the local government must first understand what it is regulating and how regulations may affect the activity being regulated. In terms of beekeeping, we need to understand the nature of bees and the art and science of beekeeping.

Beekeeping has been described as, "[an] art... to guide bees' natural behavior into patterns of activity desired by the beekeeper."[12] Beekeepers may induce bees to produce excess amounts of honey or provide them with food sources during nectar dearth, they may inspect hives to notice if the colony is threatened by an infection or parasite, and they may choose to introduce a new queen to ensure quality eggs are being laid.[13] However, bees are largely left on their own. A beekeeper can provide resources, but the beekeeper cannot control the activities of the 60,000 bees that may occupy the hive during the months when the colony is most productive.[14]

Wild, or feral honey bees exist naturally throughout the United States. Honey bees will commonly fly up to four miles away from their hive to forage for nectar and honey.[15] This is significant in terms of making decisions about beekeeping regulations, because bees will continue to move throughout any area in a municipality, whether or not they have keepers in residential areas.

An important component of apiology relevant to the regulation of hives, is that bees create flight patterns ("flyways" or "bee lines") to and from the hive.[16] These patterns can be manipulated by the manner in which the hive is situated on a property and what structures or impediments are near the hive.[17] To an individual who observes a hive for any length of time during the busy nectar season, these patterns are almost immediately obvious, and can be likened to a runway at an airport where planes take off to and land from various locations.

It is a common misconception that bees are dangerous or threatening when they swarm, and will become aggressive and attack an unknowing passerby. Numerous depictions of bees include the image of a killer swarm attacking someone running away. When bees swarm however, they are generally docile,[18] as they have no hive or home to defend when they swarm. An additional concern in the popular conscience is the idea of "killer bees." Killer bees are a name given to the Africanized honey bee, which is admittedly more aggressive than the European varieties, reacting to disturbances ten times faster than other varieties of bees.[19]

In addition to the biological and behavioral aspects of bees, nuisance issues have a tendency to percolate around the keeping of bees—in other words, neighbors with real or perceived reasons to complain require the local government to have some sort of regulatory function for beekeeping in residential areas. Neighbors may lodge various complaints about bees.[20] Of these, the most serious (and perhaps most obvious) are the considerations of those individuals who have an allergy to bee stings. The incidence of immediate systematic allergic reactions to insect stings is estimated to be between 1-7% of the population,[21] and a low estimate of annual deaths caused by anaphylactic shock following a sting published by the World Allergy Organization postulates one per every ten million.[22] Once individuals are aware that they have an immediate reaction to bee stings, they should be certain to guard against future stings by having a plan to use an adrenaline auto-injector (epi pen) in the event that an insect does sting them in the future.[23]

(Local governments will be called upon to address issues of nuisance in terms of regulating beekeeping while the issues of importing and exporting different types of bees and tracking bee borne diseases will most likely be left to the state and federal governments putting the characteristics of bees relevant to that type of regulation outside the scope of this article).

The legal intersection between beekeeping and neighbors seeking to enjoy their respective property rights and local government regulation has a long history. Over one hundred years ago, Arkadelphia, a city in Arkansas, sought to address the issue by prohibiting beekeeping as a nuisance. After being challenged, the city lost when the court concluded that beekeeping cannot be regulated as a nuisance:

> Neither the keeping, owning or raising of bees is, in itself, a nuisance. Bees may become a nuisance in a city, but whether they are so or not is a question to be judicially determined in each case. The ordinance under consideration undertakes to make each of the acts named a nuisance without regard to the fact whether it is so or not, or whether bees in general have become a nuisance in the city. It is, therefore, too broad, and is invalid.[24]

However, in 1938, a California court concluded that the City of Los Angeles' regulation of beekeeping, including a prohibition in some areas of the city but not others, survived constitutional challenge:

> The Hadacheck decisions, above cited, sufficiently demonstrate that the facts appearing herein justify the ordinance prohibiting beekeeping within the city except in the designated areas, and that the ordinance is not unconstitutional for any reason. (See, also, Brown v. City of Los Angeles, 183 Cal. 783 [192 Pac. 716]; Reiman v. Little Rock, 237 U.S. 171, 176 [35 Sup. Ct. 511, 59 L. Ed. 900].) [25]

In the same year that the Arkansas court decided the Arkadelphia case concluding that beekeeping cannot be legislatively defined as a nuisance, a New York court confirmed an injunction issued against a beekeeper in a case where a jury found beekeeping to be a nuisance.[26] Close to 70 years later, a Pennsylvania court concluded that beekeeping is not a nuisance per se and denied an injunction that the township sought:

> The keeping of bees in a residential neighborhood is not a nuisance *per se* and the strong arm of the chancellor should not be exerted to eliminate a legitimate business or occupation unless compelling reasons require it, that is, that the injury caused is real and substantial: [cited cases omitted.][27]

These cases illustrate the varying approaches to regulation, geographical and temporal development of judicial philosophy and the continuing likelihood for neighborly (or not) interaction between beekeepers and adjacent property owners. As time has passed, the development of zoning laws and a greater tendency to support governmental police powers no doubt have allowed many communities to regulate beekeeping in various ways that may be at odds with these cases from the distant past. What follows are some examples of different regulatory approaches to beekeeping.

Part II: Municipal Approaches to Beekeeping

Cities and counties have adopted a variety of different approaches to the question of how to manage the presence of beekeepers and their hives within their communities. While this article cannot begin to encompass the entirety of approaches within the approximately 20,000 municipal governments in the country,[28] the following examples provide illustrations of the different general approaches that municipalities may elect to take in the regulation of beekeeping.[29] These include a prohibition on beekeeping, requiring permission of neighbors to be able to keep bees, state preemption of municipal regulation of bees, and a robust regulatory scheme at the city and county government level.

Outright Ban on Beekeeping: Melbourne, Florida

The city of Melbourne, Florida is located on the eastern central coast of the Florida



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peninsula stretching across to a barrier island. About an hour away from the Kennedy Space Center,[30] Melbourne has a population of 76,354.[31] Melbourne also has an outright ban on beekeeping. The city code states, "It shall be unlawful for any person to operate an apiary or otherwise maintain bees within the city limits, except in an agricultural estate use (AEU) zoning district, or as may otherwise be provided in this article."[32] The exceptions, however, must be related to medical or educational purposes, rendering backyard beekeeping essentially illegal:

> **Sec. 10-53-Exceptions to section 10-52**
> (a) Nothing contained in section 10-52 shall prohibit the maintenance of one hive of bees under the following conditions:
> (1) Upon the premises of any public or private educational institution for use by students for educational purposes.
> (2) Upon such premises as may be required for medical research or scientific purposes.
> (3) Upon the premises of a building or residence, provided that the person seeking to maintain the hive upon the premises shall first make application for permit to maintain such hive. No application for permission to maintain such hive shall be granted unless the use for educational purposes is clearly established.
> (b) The use of bees for educational, medical or scientific purposes, as provided for herein, shall be permitted so long as no hazard or nuisance, public or private, is created.[33]

Thus, the backyard beekeeper, or a resident who is interested in helping the environment by maintaining a beehive has no options in Melbourne. This means the concerns of any individuals with allergies to bees, or neighbors who would prefer not to live near a beehive are almost fully met; should any individual try to keep bees without a scientific or educational permit, the neighbor need only report the instance to the city government, who will rule it illegal. But a prohibition on beekeeping does not necessarily equate to a lack of bees in a city, because feral honey bees require no license or permit to exist anywhere.

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Melbourne's approach does nothing to address the CCD problem. As backyard beekeepers can play an important role in helping the local ecosystem, a complete prohibition on the practice during this period of expansive colony collapse could be harmful. Obviously, each community must measure its regulatory mission by its residents' wishes and in Melbourne, at least so far, instead of balancing the interests of property owners the community has concluded it is best served by a complete ban.

Neighborhood Permission: Hillsboro, Oregon

The city of Hillsboro, Oregon, population 93,340[34] and located about a thirty- minute drive east[35] of the state's largest city, Portland, has adopted a more nuanced approach to the regulation of beekeeping within the municipal limits. The city code includes regulations for the maintenance of beekeeping equipment, total number of hives, and instructions as to where the beehive may be located on an individual's property. Most significantly, before a hive can be registered, any neighbors who live within 300 feet of the residence must be notified of the plan to have a colony near their homes.[36] With adequate medical certification of a bee sting allergy, at-risk individuals may request that hives be removed from a neighbor's property.[37]

The clarity and cohesiveness of this particular portion of the code merits a review of the language itself:

> **6.20.080 Bees**
> A. Keeping Bees. Bees may be kept in the city consistent with the following standards:
> 1. The keeper is in compliance with HMC 6.20.080(B);
> 2. Bee hives / colonies may only be kept on single family residential property;
> 3. No more than three bee hives / colonies may be kept;
> 4. Bee hives / colonies may not be kept when a person who has a medically certified allergy to the sting of bees resides within 300 feet of the hives / colonies and has submitted to the city medical documentation and a written request that the hives / colonies be removed;
> 5. Products generated, such as honey, may not be sold from a residential property;
> 6. Bees must be contained consistent with the following standards:
> a. All portions of the hives / colonies enclosure must be located behind the front building plane of the dwelling; and
> b. All portions of the hives / colonies must either be located a minimum of 10 feet from any property line unless there is no barrier, such as a fence or hedge, that is at least six feet in height on all relevant property lines, in which case a minimum of 15 feet applies.
> 7. Beekeeping equipment must be kept consistent with the following standards:
> a. All portions of the hives / colonies enclosure must be kept and maintained in a clean and sanitary condition at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance; and
> b. Unused equipment may not be in the open or otherwise accessible to bees.
> B. Notification Process. Prior to keeping bees, a person must:
> 1. Prepare a notice stating intent to keep bees and the type of bee kept and mailing list, utilizing city approved templates;
> 2. Mail notice to adjacent property

owners within 300 feet of the site two weeks prior to commencing bee keeping; and
3. Submit a written declaration to the city of compliance with the notification requirements in HMC 6.20.080(B)(1) and (2).[38]

These regulations have several important implications. First, because a neighbor with a bee allergy can seek relief from the government to avoid living in proximity to beehives, the concerns of those with allergies are entirely met.[39] The notice process is quite clearly stipulated on the city's website; a copy of a form letter that the prospective beekeeper must send out states specifically: "[I am] considering keeping bees on this property. This notice is to allow person(s) with a medically certified allergy the opportunity to submit a written request that hives not be located on this site."[40] This letter, sent with an attachment listing the full text of Hillsboro's code regulating bees leaves no ambiguity. In order to have a beehive on one's property, the individual must alert neighbors to their right to have that action stopped or prevented.

Additionally, the beekeeper does not have full flexibility to use any portion of a property to keep bees: hives must be situated 10-15 feet away from any property lines. This limits a beekeeper's ability make best use of the landscape or situate the bees in the best manner possible. Furthermore, this will do little to contain the bees to the beekeeper's property, as bees will fly as far as four miles away from their hives in the search for nectar.[41]

Examining these regulations from the perspective of the benefits that bees bring to the environment, Hillsboro beekeepers may legally keep bees and help to promote their presence in Oregon, but these interests may be trumped by those of an individual with a bee sting allergy. Furthermore, the restrictions on where a beehive may be placed within a yard may make beekeeping impossible based on the size of the yard and its relation to the home on the property.

State Control: Savannah, Georgia

Savannah, Georgia is a coastal city in the Deep South, with a population of 142,772.[42] A beekeeper in Savannah does not need to apply for registration or be subject to any regulation by the city's government. The State of Georgia preempted local control over beekeeping:

> No county, municipal corporation, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting, impeding, or restricting the establishment or maintenance of honeybees in hives. This Code section shall not be construed to restrict the zoning authority of county or municipal governments.[43]

Thus, local governments in Georgia cannot address the concerns of their residents about beekeeping.[44]

Although Georgia preempts local regulation, it allows local governments to impose zoning regulations that can help to alleviate nuisance and on one occasion proved problematic for beekeepers. Specifically, the code states, "*This Code section shall not be construed to restrict the zoning authority of county or municipal governments* (emphasis added)." emphasis added[45] This proved problematic for Nicholas Weaver, a hobby beekeeper from the age of 13, residing in Forsyth County.[46] After a decade of backyard beekeeping, with a total of six hives on his own and neighbors' properties, Weaver received a notice from the Forsyth County government stating that he had to remove his bees.[47] Absent any zoning regulations for beekeeping, the county had determined that the bees were livestock,[48] and that Weaver's residence was not zoned for that use. Ultimately the problem was resolved when Weaver worked with the local authorities and was granted a reprieve;[49] yet this illustrates that even when the state law directly preempts local governments from prohibiting bees, a neighbor's complaint (which triggered Forsyth County's response),[50] can still cause some problems for beekeepers.

Permission with Explicit and Nuanced Requirements: Baton Rouge, Louisiana

Baton Rouge, Louisiana, has a population of 229,169.[51] The Baton Rouge Municipal Code includes a variety of incredibly nuanced requirements for backyard beekeepers, based on the state's Model Beekeeping Ordinance for Louisiana Local and Municipal Governments.[52] These provisions on beekeeping, (§§ 6:660- 6:671 of the Baton Rouge Municipal Code) are too lengthy to reproduce here, but include the following regulations: annual registration of all honeybee hives with the Louisiana Department of Agriculture and Forestry;[53] stipulations on what kind of hive beekeepers may use (Langstroth[54] hives);[55] requirements for where the colony may be located on the beekeeper's property (at least 25 feet from the property line);[56] requirements for the creation of a fence or barrier to deflect the bee line;[57] provision of water for the colony;[58] limits to the number of hives that may be on a property based on its size;[59] requirements for signage near the apiary[60] and procedures for non-compliance with the section.[61] Notably, the Baton Rouge Municipal Code does not require notification of neighbors nor does it provide protections for nearby residents with bee sting allergies. Baton Rouge may not include each regulation that other cities have employed, but it demonstrates how a city can provide instruction for beekeepers on how they must conduct their activities.

Other local governments include regulations that address the species of bees that a beekeeper may keep within a municipality[62] and the requirement of a firebreak[63] to address the beekeepers' use of smokers to calm the bees prior to working the hives.[64] While other regulatory features may exist, those discussed in this article highlight regulatory trends and patterns that different municipalities around the country take regarding bees.

Part III: Best Practices for Municipal Regulation of Beekeeping.

After reviewing the practice of bee keeping and how local governments have addressed the issue, this article proposes that in order to best capture the needs of the beekeeper and the community, the following measures should be incorporated into municipal regulations for beekeeping. As the individual needs of each community may require specific tailoring, these are presented as

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principles for best practices. As an initial point, all should adopt measures addressing beekeeping rather than prohibiting it, especially as the popularity of this activity rises; this will help to avoid any gray areas and unnecessary, costly litigation surrounding beekeeping.[65]

1. Legalize Beekeeping.
Little rationality exists in a complete prohibition on beekeeping. Wild honey bees will exist, roam and pollinate in communities despite regulations to prohibit either commercial or hobby bee keeping. Although legalizing beekeeping may make bees more commonplace, the option of prohibition provides only a false sense of security since there is no safe way to completely eradicate the presence of bees. Beekeeping provides many benefits for the environment and local community; if it is not encouraged, it should at least be permitted. Beekeeping can be conducted safely even in the densest of municipalities such as New York City, and laws that prohibit beekeeping ought to be changed to provide a reasonable regulatory environment for the activity.

2. Municipalities should require the registration of beehives with the local government, and make this list available to citizens upon request (in addition to any state registration requirements).
Although bees exist in the wild and cannot be eradicated, both the government and public benefit from knowing where bees are kept. This serves several purposes. First, any individual who suffers from a bee allergy, or has a child who does, clearly benefits from information as to where a bee colony or small apiary exists. This improves the goals inherent in the system enacted by Hillsboro, Oregon, because it looks not only at the immediate area surrounding the residence of someone with a bee sting allergy, but instead at a neighborhood or city as a whole. Children especially are wont to play outside well beyond an arbitrary setback such as the 300 foot radius of their home. Parents can better focus on the areas in which they may instruct their young children to avoid, and may be certain to have Epi pens available at locations at which their kids regularly play that are near beehives (for instance, at a friend's home). For those adults that are affected with an allergy, by noting which properties contain beehives, they can conduct their activities to avoid these locations. Ideally, if the resident is concerned about new hives, the municipality could set up a notification list, such that individuals may request to be informed of any new colony registrations and installations. If a municipality keeps this kind of registry, individuals bear the burden of responsibility for informing themselves about where bee colonies exist, instead of placing an unreasonable burden or prohibition on the beekeeper.

Not only does this system better serve the needs of those with bee sting allergies, it protects the rights of individuals who would like to keep bees on their property. The Hillsboro code provisions that allow individuals with a bee allergy to prevent their neighbors from keeping bees poses a high burden without a clear indication that the measure provides sufficient protection to the allergic individuals. Notably, a feral bee colony may occupy a tree, stump or log—all without the property owners' or the neighbors' knowledge. Those with allergies to bee stings must be alert regardless of whether they live close to a bee keeper's hive or a feral hive, but only the bee keeper's hive will be regulated based on the neighbors' concerns.

Furthermore, though most inspection of beehives relating to disease occurs by a state agency, with the diseases and parasites that plague the American honey bee, it would be helpful to require beekeepers to notify other beekeepers nearby if their hives have been affected by any of these problems through a locally required notification system. A locally maintained register of all bee colonies would help with this goal, and generally to make the beekeeping community aware of all other beekeepers in their vicinity. As some states, like Georgia, do not require registration of bee colonies if they are not commercial entities, this also provides a localized list that is useful outside of traditional state purposes.

3. Avoid stipulations regarding setbacks; make them available to neighbors as a right only on demonstration of need.
A beekeeper should be able to situate a beehive on the beekeeper's property in the area that is best suited for the colony; the mandate that there be a setback rests on a presumption that the beehive is an inherent nuisance to neighbors and that separation from the property line provides some protection. In fact, a prudent beekeeper will not want to keep a hive near a property line that borders a nosy dog, or that allows people to easily interfere with the hive and the bees' activities. And, depending on the set up of a yard, a location close to the property line may be the safest place for the bees to be maintained. However, if a neighbor is able to demonstrate a compelling reason to move or relocate a hive, the local government should be able to impose a setback requirement based on the specific facts including the lot size, location within the neighborhood, bee line and other localized concerns.

While neighbors ideally should be able to work together without municipal intervention, if that cooperation fails, neighbors ought to be able to request a setback based on individualized concerns and specific facts. By requiring individualized and specific facts to govern the decision, the law will not create an unintended prohibition on beekeeping by making it impossible to locate a hive on a small property without much yard space.

4. Enact a Flyway Requirement.
As mentioned above, a particular feature of bees is their "bee line" to and from the hive. This phenomenon is something around which municipalities should provide some regulatory framework, as it poses the most likely reason that regular human-bee interaction can be negative. If the bee line from the entrance of the hive to the flowering plants nearby is situated so that the public or neighbors may regularly interrupt this flight path, the location is not ideal (both for the beekeeper and the people walking between these spaces).

By requiring the beekeeper to have a flyway barrier, this will help to eliminate routine contact that would be out of the ordinary in a feral hive of bees. This can be flexible: a fence, shrubbery or other arrangement can prevent bees from establishing a flight pattern that causes this unnecessary contact. By putting the height requirement at about six

feet, this will eliminate most possibilities for a bee to encounter (and perhaps sting) a human. If the beekeeper can demonstrate that the flight pattern of the bees will cause insignificant public contact based on where the hive sits on their property, this should serve in place of satisfying the flyway requirement. Should a beekeeper violate this flexibility, substantial penalties and abatement orders can apply.

5. Regulations Regarding the Species of Bees.

A municipality should ban Africanized honey bees (especially if the state has not done so). These bees are more aggressive and their prohibition will help to alleviate the neighbors' concerns and provide an added protection against Africanized honey bees mating with the European varieties that occupy most of the United States.

Conclusion

Honey bees add much value to communities and municipalities should adopt an inclusive series of regulations to clarify the rights of beekeepers and their neighbors, following the principles described above. This is particularly important in light of the increased popularity of backyard beekeeping, urban agriculture and in response to Colony Collapse Disorder.

Notes

1. AGRICULTURAL RESEARCH SERVICE (USDA), COLONY COLLAPSE DISORDER ACTION PLAN 6 (2007), available at http://www.ars.usda.gov/is/br/ccd/ccd_actionplan.pdf.
2. *Id.* at 7.
3. Hives exceeded losses at this rate, but some of these were reasonably attributed to parasites (such as the Varroa Mite) or diseases (such as American foulbrood). CCD refers to those failures for which scientists have been unable to find a conclusive reason why an otherwise healthy hive has failed. *See id.*
4. CCD STEERING COMMITTEE OF AGRICULTURAL RESEARCH SERVICE (USDA), COLONY COLLAPSE DISORDER PROGRESS REPORT 7 (June 2009), *available at* http://www.ars.usda.gov/is/br/ccd/ccdprogressreport.pdf.
5. *See, e.g.,* Morgan Peck, *Who Killed All the Honeybees? We Did*, DISCOVERY, Oct. 2009, *available at* http://discovermagazine.com/2009/oct/19-who-killed-all-those-honeybees- we-did; Jenna Johnson, *Maryland Dog Sniffs Out Diseased Bee Colonies*, WASHINGTON POST, Mar. 5, 2009, *available at* http://www.washingtonpost.com/wp- dyn/content/article/2009/03/03/AR2009030304296.html; Aaron Hirsch, *Just let them be*, N.Y. TIMES, Feb. 9, 2009, *available at* http://www.nytimes.com/2009/01/29/opinion/29iht-.edhirsh.1.19782494.html?pagewanted=all&_r=0.
6. *See* Maria Boland, *The Importance of Honeybees*, MOTHER NATURE NETWORK, EARTH MATTERS (May 3, 2010, 1:23PM), http://www.mnn.com/earth-matters/animals/stories/the-importance-of-honeybees#ixzz3U62Odztw.
7. Haagen-Dazs and Burt's Bees are two such companies. *See, e.g.*, Honey Please Don't Go, www.haagendazs.us/Learn/HoneyBees/ (last visited Apr. 1, 2015); Press Release, Burts Bees, Burt's Bees Creates Wild For Bees®, (June 2012), *available at* http://demandware.edgesuite.net/aapa_prd/on/demandware.static/Sites-burtsbees-Site/Sites-burtsbees- Library/default/v1427895745932/news/Burt%27s%20Bees%20Creates%20Wild%20for %20Bees_June%202012.pdf.
8. Food, Conservation and Energy Act of 2008, Pub. L. No. 110-246 § 7204(h)(2)(A)(i) (2008).
9. Allison Aubrey, *Healing Honey and the New Queen Bee(keepers)*, NPR (July 19, 2010, 5:30AM) http://www.npr.org/2010/07/19/128574280/healing-honey-and-the-new-queen-bee-keepers.
10. *See Silence of the Bees: How Can You Help The Bees*, NATURE, Mar. 9, 2011, http://www.pbs.org/wnet/nature/silence-of-the-bees-how-can-you-help-the-bees/36/.
11. *See, e.g.*, Mireya Navarro, *Bring on the Bees*, CITY ROOM BLOG, N.Y. TIMES (Mar. 16, 2010 12:16 PM), http://cityroom.blogs.nytimes.com/2010/03/16/bring-on-the-bees/ (New York City lifted ban on beekeeping in March 2010); Bryan Walsh, *Can Urban Beekeeping Stop the Beepocalypse?* Ecocentric Blog, Time (Feb. 13, 20\\14), http://science.time.com/2014/02/13/can-urban-beekeeping-stop-the-beep ocal ypse/ (noting that in February 2014 the Los Angeles City Council ordered a review of the ordinances that prohibited beekeeping in an effort to legalize the popular hobby).
12. E.C. Martin, *The Use of Bees For Crop Pollination*, *in* THE HIVE AND THE HONEY BEE 583 (1975).
13. *See generally* KIM FLOTTUM, THE BACKYARD BEEKEEPER: AN ABSOLUTE BEGINNER'S GUIDE TO KEEPING BEES IN YOUR YARD AND GARDEN (2010).
14. *See Seasonal Cycles of Activities in Colonies*, MID-ATLANTIC APICULTURE RESEARCH AND EXTENSION CONSORTIUM, https://agdev.anr.udel.edu/maarec/honey-bee-biology/seasonal-cycles-of-activities-in-colonies/ (last visited Apr. 10, 2015).
15. *FAQs*, INTERNATIONAL BEE RESEARCH ASSOCIATION, http://www.ibra.org.uk/categories/faq#FAQ_17 (last visited Apr. 10, 2015).
16. *See* KIM FLOTTUM, THE BACKYARD BEEKEEPER: AN ABSOLUTE BEGINNER'S GUIDE TO KEEPING BEES IN YOUR YARD AND GARDEN 19 (2010).
17. *Id.*
18. *FAQs*, International Bee Research Association, http://www.ibra.org.uk/categories/faq#FAQ_17 (last visited Apr. 10, 2015).
19. SMITHOSONIAN ENCYCLOPEDIA, *Killer Bees* http://www .si.edu/encyclopedia_si/nmnh/buginfo/killbee.htm_(last visited Apr. 10, 2015).
20. *See generally*, Patricia Salkin, *Honey*

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21. Robert Heddle and David Golden, *Allergy to Insect Stings and Bites*, WORLD ALLERGY ORGANIZATION, November 2008, http://www.worldallergy.org/professional/allergic_diseases_center/insect_allergy/ (last visited Apr. 10, 2015).
22. *Id.*
23. *Id.*
24. Arkadelphia v. Clark, 52 Ark. 23, 25, 11 S.W. 957, 1889 Ark. LEXIS 4, *4-5 (Ark. 1889).
25. In re Application of Ellis, 11 Cal. 2d 571, 575, 81 P.2d 911, 912, 1938 Cal. LEXIS 331, *7 (Cal. 1938).
26. Olmsted v. Rich, 6 N.Y.S. 826, 1889 N.Y. Misc. LEXIS 805 (N.Y. Sup. Ct. 1889).
27. Whitemarsh Township v. Cummings, 1956 Pa. Dist. & Cnty. Dec. LEXIS 229, *6, 7 Pa. D. & C.2d 557, 561 (Pa. C.P. 1956).
28. National League of Cities, *Number of Municipal Governments & Population Distribution*, NATIONAL LEAGUE OF CITIES, http://www.nlc.org/build-skills-and- networks/resources/cities-101/city-structures/number-of-municipal-governments-and- population-distribution (last visited Apr. 9, 2015).
29. This paper will only explore the keeping of bees within a city, and none of the related legal regulations: including sales of honey, regulation of commercial beekeeping, etc.
30. *About Melbourne, Florida* CITY OF MELBOURNE, FLORIDA, http://www.melbourneflorida.org/info/ (last visited Apr. 9, 2015).
31. ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, *Community Data Melbourne*, April 2012, *available at* http://www.melbourneflorida.org/ecdev/edc-data.pdf.
32. MELBOURNE FLORIDA CODE § 10-52.
33. MELBOURNE FLORIDA CODE § 10-53.
34. Hillsboro Oregon, *Hillsboro Data* http://www.hillsboro- oregon.gov/index.aspx?page=66 (last visited Apr. 10, 2015).
35. 31 Driving Directions from Hillsboro, OR to Portland, OR, GOOGLE MAPS, http://maps.google.com (follow "Get Directions" hyperlink; then search "A" for "Hillsboro, OR" and search "B" for "Portland, OR"; then follow "Get Directions" hyperlink).
36. HILLSBORO MUNICIPAL CODE § 6.20.080.
37. HILLSBORO MUNICIPAL CODE § 6.20.080(A)(4).
38. HILLSBORO MUNICIPAL CODE § 6.20.080.
39. Those concerns about the presence of *keeping* bees at properties adjacent to their own.
40. HILLSBORO PLANNING, *Neighborhood Beekeeping Notification Labels & Vicinity Map Request Form*, *available at* http://www.hillsboro- oregon.gov/modules/showdocument.aspx?documentid=1542 (last visited Apr. 9, 2015).
41. *See supra* Part I.
42. Census Bureau, *Savannah, Georgia,* CENSUS BUREAU QUICK FACTS, http://quickfacts.census.gov/qfd/states/13/1369000.html (last visited April 9, 2015).
43. GA. CODE ANN. § 2-14-41.1 (West)
44. GA. CODE ANN. § 2-14-40 (West). *See also* HONEYBEES, GEORGIA DEPARTMENT OF AGRICULTURE, http://agr.georgia.gov/honey-bees.aspx (last visited Apr. 9, 2015) ("All other beekeepers (e.g. hobbyists, pollinators, honey producers) are *not required* to be licensed or inspected by the Plant Protection Section") (emphasis added).
45. GA. CODE ANN. § 2-14-40 (West).
46. Aleigh Acerni, *No Zoning Laws, No Problem? Think Again*. URBAN FARM ONLINE.COM, (Dec. 2, 2011), http://www.urbanfarmonline.com/urban-farm-news/2011/12/02/beekeeping- zoning-laws.aspx.
47. *Id.*
48. David Ibata, *Forsyth raises big buzz in attempt to ban backyard beekeeping,* http://www.ajc.com/news/news/local/forsyth-raises-big-buzz-in-attempt-to-ban-backyard/nQNFK/ (Nov. 1, 2011, 1:58PM), http://www.ajc.com/news/news/local/forsyth-raises-big-buzz-in-attempt-to-ban-_backyard/nQNFK/.
49. *Id.*
50. *Id.*
51. Census Bureau, *Baton Rouge, Louisiana,* CENSUS BUREAU AMERICAN FACT FINDER, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk (last visited April 9, 2015).
52. LSU AgCenter Research & Extension, *Model Beekeeping Ordinance for Louisiana Local and Municipal Governments*, Sept. 2009, *available at* http://www.lsuagcenter.com/NR/rdonlyres/CB2656D7-A2EA-4E6D-8DC3-_A88E889E763E/61883/pub2524modelbeekeepingAug09HIGHRES.pdf.
53. LOUISIANA MUNICIPAL CODE § 6:661.
54. A Langstroth hive is the most common type of beehive used in North America. Consisting of stacked hive boxes with movable honeycomb frames, they allow the beekeeper to manage and inspect the bees with limited impact on the colony. *See* EvaCrane, *The World's Beekeeping, Past and Present*, *in* THE HIVE AND THE HONEY BEE 12-14 (1975).
55. BATON ROUGE MUNICIPAL CODE § 6:663.
56. *Id.* § 6:664.
57. *See id.* The code refers to the bees' "flyway," but this is understood as the "bee line," or the specific airways that worker bees make use of as they routinely enter and exit the hive. *See supra* Part I.
58. BATON ROUGE MUNICIPAL CODE § 6:665.
59. *Id*
60. *Id.* § 6:669.
61. *Id.* § 6:671.
62. *See* SALT LAKE CITY CODE § 8.04.010. "HONEYBEE: The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof." The relevant provisions of the code permit the keeping of honeybees with a series of registration requirements, and by the exclusion of the African honeybee within that definition, make its presence illegal in Salt Lake City. European race varieties, however would be included. *Id.*
63. 59 *See* Patricia Salkin, Honey It's All the Buzz: Regulating Neighborhood Beehives, 39 B.C. ENVTL. AFF. L. REV. 55, 71 (2012) (quoting San Diego, Cal., Mun. Code § 44.0413(a)).
64. *See* KIM FLOTTUM, THE BACKYARD BEEKEEPER: AN ABSOLUTE BEGINNER'S GUIDE TO KEEPING BEES IN YOUR YARD AND GARDEN 32 (2010).
65. This also ensures that bees will be treated differently from "undomesticated animals" or "agriculture" which are generally prohibited in city codes, and do not adequately encompass the nature of honey bees and the practice of bee keeping. This is akin to the Weaver case described *supra* Part II. ML