

At a hearing the Board of Health shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence and shall specify a time within which the work shall be completed.

(d) In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the City may abate the nuisance by destroying the larvae or pupae and by taking appropriate measure to prevent the recurrence of further breeding.

The cost of abatement shall be repaid to the City by the owner.

**8-4-103. Flies and Other Insect Pests.**

It is unlawful to suffer or permit to have upon his premises, whether owned or occupied by him, either one or more of the following unsanitary conditions:

- (a) Manure which is not securely protected from flies.
- (b) Any privy, vault, cesspool, sink, pit or like place which is not securely protected from flies.
- (c) Garbage which is not securely protected from flies.
- (d) Vegetable waste, trash, litter or refuse of any kind in which flies may breed or multiply.

Every person owning, occupying or controlling any premises in the City when evidence of fly or other insect infestation or breeding on these premises is discovered, shall at once take any and every appropriate action to eradicate such fly or other insect infestation or breeding and shall make such changes in the conditions on the premises as to prevent the recurrence of the fly or other insect infestation or breeding.

**8-4-104. Bees.**

(a) Purpose. The purpose of this section is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

(b) Definitions.

Apiary: Any place where one or more colonies of bees are located.

Beekeeper: A person who owns or has charge of one or more colonies of bees.

Beekeeping: The keeping, maintaining or allowing of one or more colonies of bees.

Beekeeping Equipment: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

Colony: Bees in any hive including queens, workers, or drones.

Hive: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

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.

(c) Registration.

(i) Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

(ii) Any beekeeping by a person who is not registered is illegal and declared to be a public nuisance, which may be summarily abated.

(d) Beekeeping.

(i) Hives on Residential Lots. As provided in this section, and notwithstanding any contrary provision in Title 14 of this Code, an apiary, consisting of not more than five hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot that is larger than 5,000 square feet. On a residential lot that is 0.5 acre or larger, the number of hives located on the lot may be increased to ten hives. Hives shall not be located in front yards. Rooftop hives shall be situated in such a way as to minimize the impact on adjacent properties.

(ii) Hives. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition, and shall be operated and maintained as provided in the Utah Bee Inspection Act and the Utah Administrative Code. Hives shall be placed at least ten feet from any property line (which limit may be waived in writing by the adjacent property owner) or sidewalk or street right of way, and six inches above the ground, as measured from the ground to the lowest portion of the hive. Hives within twenty-five feet of a property line or sidewalk or street right of way shall be shielded by a flyway barrier. Ownership of hives shall be conspicuously marked as required by State law. Hives shall not exceed seven feet in height above ground or rooftop level, including all brooders, stands or other component.

(iii) Flyways. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within twenty-five feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the apiary.

(iv) Water. Each beekeeper shall ensure that a convenient source of water on the beekeeping property is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

(v) Equipment. Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(vi) Permission. A person shall not locate or maintain a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

(f) Conflict of Regulations.

In the event of a conflict between any regulation set forth in this section and chapter any honeybee management regulations adopted by the State of Utah or the Davis County Health Department, the most restrictive regulations shall apply.

(g) Violations.

(i) It is unlawful to house, raise, keep or maintain bees within the limits of the City of Bountiful except in strict compliance with this ordinance. Any such unlawful activity is a class C misdemeanor and hereby declared to be a public nuisance, and may be summarily abated and/or prosecuted by criminal and/or civil action.

(ii) Even if conducted in compliance with this section, it is unlawful for any person to maintain an apiary or keep any colony on any property in any manner that is a public nuisance or threatens public health or safety.

**Chapter 5: Cost Recovery for Hazardous Materials Emergencies**

- 8-5-101.**        **Definitions.**
- 8-5-102.**        **Recovery of Expenses.**
- 8-5-103.**        **Recovery Procedure.**
- 8-5-104.**        **Action to Recover Costs.**
- 8-5-101.**        **Definitions.**

For the purpose of this ordinance, the following terms phrases and words shall mean:

A “hazardous materials emergency” means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

“Expenses” means all costs incurred for the response, containment and/or removal and disposal of hazardous materials on initial remedial action. It includes, but is not necessarily limited to, the actual labor costs of government and other personnel, including workers compensation benefits, fringe benefits, administrative overhead, and any costs of equipment, equipment operation, materials, disposal and any contract labor or materials.

**8-5-102.**        **Recovery of Expenses.**

Bountiful City may recover expenses incurred by the City from those persons whose negligent or intentional actions caused the hazardous materials emergency. The payment of expenses under this section does not constitute an admission of liability or negligence in any legal action for damages.

**8-5-103.**        **Recovery Procedure.**

(a) The City shall determine responsibility for the emergency and notify the responsible party by mail of the city’s determination of responsibility and the costs to be recovered.

(b) The notice shall specify that the party determined to be responsible may appeal the City’s decision to the Bountiful City Administrative Law Judge.

**8-5-104.**        **Action to Recover Costs.**