



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HONEY BEES

WHEREAS, honey bees are a critical part of flowering plant pollination and reproduction, and a necessary element in pollination of crops that make up a healthy food supply; and

WHEREAS, the Cambridge Public Health Department and the Cambridge City Council seek to promote the creation of urban agriculture initiatives to support local access to healthy food; and

WHEREAS, keeping domestic honey bees is a means of promoting local honey production and local food access and security; and

WHEREAS, domestic honey bee care must be maintained so as to prevent an attractive nuisance for pests, including vectors that can transmit disease to humans;

NOW THEREFORE, the Commissioner of Public Health for the City of Cambridge (“Commissioner”) promulgates the following regulation to protect the health of Cambridge residents, workers, students, and visitors.

Section 1. Purpose

The purpose of this regulation is to protect the public health of Cambridge residents, workers, students, and visitors while promoting healthy and safe local food access through regulation of the keeping of honey bees.

Section 2. Authority

This regulation is adopted under the authority of M.G.L c.111 §31 and §122, Chapter 147 of the Acts of 1996 (also codified as M.G.L. c. 111 App. §3-8) and pursuant to any other authority conferred by state or local laws on the Commissioner. Pursuant to this authority, the Commissioner may designate one or more persons to assist the Commissioner to carry out his or her role in the administration and enforcement of this Regulation.

Section 3. Definitions

Abandoned Beehive: shall mean any unattended, occupied or unoccupied Beehive exposed to occupancy by Bee Swarms.

Abutters: shall mean owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petition as they appear on the most recent applicable tax list.

Apiary: shall mean a location or structure on a lot containing one or more Beehives and associated bee equipment.



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Bee: shall mean any life stage of the common domestic honey bee, *Apis mellifera*.

Bee Colony: shall mean an aggregate of worker bees, drones, a single queen, and brood living together as one social unit.

Beehive: shall mean a structure intended for the housing of one Bee Colony.

Beehive Flyway: shall mean the location and direction in which bees fly when exiting a hive.

Beehive Flyway Barrier: shall mean a solid wall, fence, or other barrier provided for the purpose of causing Bees to fly on an upward trajectory or in an opposing direction from the Beehive.

Beekeeper: shall mean any person responsible for the keeping of Bees.

Beekeeping: shall mean the housing of one or more Bee Colonies on a lot for the purpose of collecting products including honey, beeswax, propolis, pollen, and royal jelly, and/or to support the ecological benefits of pollination.

Department: shall mean the Cambridge Public Health Department.

Flight Path: shall mean a three (3) foot radius surrounding the entrance to a Beehive. This area surrounding the Beehive entrance is the site of heightened Bee movement as Bees enter and exit the Beehive.

Honey: shall mean the natural food product made by Bees from nectar collected from a flower's nectarines or a plant's extrafloral nectarines.

ISD: shall mean the Cambridge Inspectional Services Department.

MDPH: shall mean the Massachusetts Department of Public Health.

Panel: shall mean the panel of hearing officers designated by the Commissioner under this Regulation to review applications for the issuance or renewal of permits, requests for variances and the enforcement of violations of this Regulation.

Pests: shall refer to rodents, vermin and insects, including disease vectors such as flies and mosquitos.

Processed Honey: shall mean honey that is heat-treated or otherwise extracted with heat.

Property Owner: shall mean every person who has legal title or the right to occupy or control any parcel of land, whether built upon, vacant or otherwise.



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Retail Food Permit: shall mean a food establishment license or permit issued by ISD per the MDPH's Minimum Sanitation Standards for Food Establishments 105 CMR 590 et seq.

Swarm: shall mean a Bee Colony or partial Bee Colony in search of shelter.

Unprocessed Honey: shall mean raw honey as defined by the National Honey Board – honey as it exists in the Beehive or as obtained by extraction, settling, or straining without added heat.

Wholesale Food Permit: shall mean a permit for a food business, including but not limited to food processors, food distribution centers, and food warehouses that are licensed by the MDPH's Food Protection Program to sell food to other businesses rather than directly to consumers.

Section 4. Requirements.

a. All persons keeping Bees in Cambridge shall do so in compliance with all applicable federal, state and local laws, rules and regulations including, but not limited to, the Cambridge Zoning Ordinance ("Zoning Ordinance") and this Regulation. The keeping of Bees in Cambridge shall only be permitted in those districts as set forth in the Zoning Ordinance.

b. Beekeepers shall not keep Bees in a manner that would constitute a nuisance as set forth in M.G.L. c. 111, § 122 or result in any unsanitary condition.

c. Any person keeping Bees in Cambridge shall comply with the applicable requirements of 330 CMR 8.00 et seq. (Massachusetts Apiary Inspection Regulations).

d. Any person keeping Bees in Cambridge shall follow the Massachusetts Beekeeper's Association's Best Management Practices, as amended.

Section 5. Standards for Beekeeping.

a. Standards

i. Number of Beehives.

1. No more than two (2) beehives are allowed on a lot.

2. The maximum number of beehives may be increased to no more than four (4) on a temporary basis, for no more than twenty (20) days, for the purpose of rescuing a swarm or to accommodate the division of a bee colony into multiple bee colonies.

ii. Ground-level Beehives shall be constructed at least 5 inches off the ground and use fine mesh hardware cloth or screens to exclude Pests.



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- ii. All Beehives shall be marked with the Beekeeper's name and contact information.
- b. Flyway Control
 - i. No Beehive Flyway may be oriented toward any of the following positions, unless a Beehive Flyway Barrier is provided to ensure that Bees fly in an opposing direction from such positions:
 - 1. An entry door, functioning window, or private outdoor space such as a deck, porch, or balcony located within ten (10) feet of a Beehive, whether of a building on an adjoining lot, or of a dwelling unit located on the same lot as a Beehive, unless the occupant of the dwelling unit grants permission.
 - 2. A public street, park, school grounds, walkway, or bikeway located within ten (10) feet of a Beehive.
 - 3. An access point to a shared porch, balcony, or rooftop on which a Beehive is located within five (5) feet of such access point.
 - ii. Where provided, a Beehive Flyway Barrier shall be located within three (3) feet of the entrance to the Beehive Flyway, and shall extend at least one (1) foot above the height of the Beehive and at least two (2) feet in width on either side of the Beehive.
- c. Care and Maintenance of Bees and Beehives
 - i. Spills of Honey and Beehive by-products shall be removed regularly from a Beehive, to exclude Pests.
 - ii. Bees shall have access to fresh potable water daily. Fresh water provided to for Bees shall be emptied and refilled on a constant basis to prevent stagnant water from serving as a breeding ground for mosquitoes.
- d. Beekeepers shall also comply with the standards for beekeeping as set forth in Zoning Ordinance Article 23.40 et seq.

Section 6. Sale of Honey

- a. Sale of processed honey requires a Retail Food Permit from the ISD and compliance with the MDPH's Minimum Sanitation Standards for Food Establishments 105 CMR 590.
- b. Unprocessed Honey is exempt from the requirements of 105 CMR 590. Exclusive sale of Unprocessed Honey only does not require a Retail Food Permit.



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c. Commercial processing, wholesale processed honey operations, and distribution requires a Wholesale Food Permit from MDPH Food Protection Program.

Section 7. Permit Required

No person shall keep Bees in Cambridge without obtaining a permit to do so from the Panel pursuant to this Regulation.

Section 8. Permit Application Requirements

Each person proposing to keep Bees shall submit an application to the Department which shall include the following:

- a. applicant name and contact information;
- b. a scale drawing (hand-drawn or electronic), which depicts:
 - i. the proposed Beehive location(s) and dimensions, and
 - ii. the number of Beehives,
- c. Beehive structure design including entrances, Flight Path, Beehive Flyway, Beehive Flyway Barriers, and the location of any other structures on the lot;
- d. a description of the Beehive(s)' construction including measures to exclude Pests;
- e. written consent of the Property Owner(s);
- f. a written statement from Beekeeper, which shall include:
 - i. a guaranty not to abandon any Beehive, including, but not limited to, in the event that the lot where the Beehive is located is sold or the Beekeeper is no longer entitled to use the lot;
 - ii. a plan to transfer ownership of all permitted Apiaries to another Beekeeper or sanctuary if necessary.
- g. The applicant shall apply for a permit on a form to be provided by the Department. All materials submitted in a permit application shall be considered part of any permit issued by the Panel.



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h. After a permit to keep Bees has been issued, no modifications to plans submitted in support of an application to obtain said permit shall be made unless such modified plans have been approved by the Panel.

i. Permits issued by the Panel are personal to the permittee and shall not be transferable. A new permit application must be submitted to the Department whenever there is a new owner seeking to keep Bees on said property. Any sale or transfer of the property that houses a Beehive shall require immediate written notification by the Beekeeper to the Department. If the new Property Owner does not consent to the continued keeping of Bees at the property, the permittee shall cease the keeping of Bees at the property and promptly surrender any permit to the Department.

j. The permit application fee shall for the issuance of a permit is fifty (\$50) dollars and shall be due at the time the applicant submits the permit application to the Department.

Section 9. Variances

a. The Panel may grant a request for a variance of the requirements of this Regulation if the Panel determines that such a requirement would constitute a substantial hardship and provided that the granting of a variance request will not jeopardize public health or the environment and shall not conflict with the intent and spirit of this Regulation.

b. A request for a variance shall be submitted in writing to the Department. The applicant shall make a request for a variance on a form to be provided by the Department. The Department may ask for supporting evidence prior to forwarding the variance request to the Panel for consideration at a public hearing. The request shall not be deemed complete until all such requested evidence has been received by the Department.

c. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, after the holder thereof has been notified in writing and has been given an opportunity to be heard by the Panel in accordance with this Regulation.

d. Any variance granted by the Panel shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours at the Department. A copy of the variance shall also be on file with the permit holder.

j. The fee shall for request for a variance is twenty-five (\$25) dollars and shall be due at the time the applicant submits the application to the Department.



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Section 10. Renewals

a. All permits to keep Bees may be renewed annually and shall expire on March 15th of each year. A person seeking to renew a permit to keep Bees shall submit an application for renewal to the Department no later than forty-five (45) days before the expiration of any such permit. The applicant shall apply for a renewal on a form to be provided by the Department. Failure to timely apply for a renewal of permit shall result in the termination of the permit.

b. The application fee for a permit renewal fee shall be twenty-five (\$25) dollars and shall be due at the time the applicant submits the application to the Department.

Section 11. Notification

Upon receipt of a complete application for the issuance of a permit for the keeping of Bees or a request for a variance, the Department shall provide written notification to Abutters and to all owners and residents of the property where Beekeeping is proposed. Such notice shall provide notice of the date and time of a public hearing of any such application or request. Such notification shall be made by certified mail, return receipt requested.

Section 12. Hearings

a. There is hereby established a panel of three (3) hearing officers who shall be Department staff designated by the Commissioner ("Panel") which shall conduct public hearings to consider the issuance, suspension and revocation of permits, and requests for variances pursuant to this Regulation.

b. The Commissioner shall appoint a chairperson of the Panel. The Panel shall vote to appoint a vice-chairperson. The terms of the hearing officers shall not expire.

c. The Panel shall conduct public hearings as needed. Two hearing officers shall constitute a quorum for the purpose of convening a hearing and of conducting the business of the Panel. The Panel shall approve its actions by majority vote.

d. The Panel shall not consider any application for a permit or request for a variance unless the Department has received applications or requests that are complete.

e. The Panel shall not issue a permit or grant a request for a variance if the Panel determines the keeping of Bees poses a health risk to the public or to a person who lives directly adjacent to or at the property or is an Abutter to where Beekeeping is proposed. In making its determination, the Panel shall consider evidence of such risk. "Health risk" shall mean the likely possibility of physical or mental injury or harm to one or more persons caused by the keeping of Bees.



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f. Department staff shall present his or her recommendations to the Panel at a public hearing as to whether a permit should be issued, suspended or revoked or whether any request for variance should be granted or denied.

g. The Panel, in its sole discretion, may approve or reject the entirety or portions of an application for the issuance or renewal of a permit or request for a variance or may require modifications to any of these before any such issuance, renewal or variance is approved.

h. An applicant for the issuance or renewal of a permit or variance or any permittee subject to suspension or revocation shall have a right to be heard at a public hearing before the Panel prior to the Panel rendering a decision.

i. The Commissioner may promulgate guidelines for orderly procedure at hearings and for the proper implementation of the Panel's responsibilities under this Regulation.

Section 13. Enforcement

a. Authority to enforce this Regulation shall be held by the Commissioner or his or her designees.

b. Any violation of this Regulation may be enforced by the Commissioner or his or her designees, in the manner provided in M.G.L. c. 111, § 187 and this Regulation.

Section 14. Inspections

The Commissioner or his or her designees may inspect a Beehive at any time to investigate whether there has been a violation of this Regulation. The Commissioner or his or her designees shall conduct an inspection when any of the following apply:

a. the Department has received a written or oral complaint about the keeping of Bees; or

b. the Department has received an application for the issuance of a permit or a request for a variance or a request for the modification of any permit. There may be one or more inspections conducted by the Commissioner or his or her designees during the application process.

Section 15. Violations

a. Written notice of any violation of this Regulation shall be sent to the Beekeeper and Property Owner by the Department, and shall:

i. specify the nature of the violation and the schedule for compliance;



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- ii. order any corrective actions that must be undertaken to remedy any violation of this Regulation, and
 - iii. order any preventative measure necessary to avoid future violations.
- b. Any permittee may request a hearing before the Panel after receiving a notice of a violation. Such request must be made in writing and submitted to the Department within ten (10) days of receipt of written notice of any violations.
- c. At a public hearing in response to a permittee's request for a hearing, the Panel may deny, uphold or uphold or deny in part, the violation.

Section 16. Imminent Health Hazards.

If the Commissioner or his or her designees determines that a Beehive causes an imminent health hazard, the Commissioner or his or her designees may require that the Beehive be immediately removed at the Beekeeper's expense without a hearing.

Section 17. Penalties and Costs

a. Any person who violates any provision of this Regulation may be penalized by a non-criminal disposition process as provided by M.G.L c.40 §21D. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty as follows:

- i. First Offense - \$50.00
- ii. Second Offense - \$75.00
- iii. Third Offense - \$100.00
- iv. Fourth and Further Offenses - \$300.00
- v. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

b. Any person who violates any provision of this Regulation may be penalized by a complaint brought in a court of competent jurisdiction as provided by M.G.L. c.218 §26. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.



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c. A Beekeeper shall be wholly liable for any and all costs related to remediating any violation of this Regulation as set forth in M.G.L. c. 111, § 125 including but not limited to any Beehive, Apiary, Colony or Swarm.

Section 18. Severability

If any provision, clause, section, sentence, or paragraph of the above Regulation shall be held to be invalid, such invalidity shall not affect the remaining provisions of this Regulation. The valid part of any provision, clause, section, sentence, or paragraph shall be given independence from the invalid provisions, and to this end the provisions are hereby declared to be severable.

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