



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 City of Cambridge promote the creation of urban agriculture initiatives to support local access to healthy food; and

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

WHEREAS, domestic honeybee hives must be maintained as to prevent an attractive nuisance drawing in pests or predators; and

WHEREAS, standards must be maintained to prevent the spread of disease or vectors that can transmit disease to humans;

NOW THEREFORE, the Cambridge Public Health Department 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 support of urban agriculture initiatives.

Section 2. Authority

This regulation is adopted under the authority of M.G.L c.111 §31 and §122.

Section 3. Definitions

Abandoned hive: shall mean any unattended, unmarked, occupied or unoccupied honey bee hive exposed to occupancy by honey bee swarms

Apiary: shall mean any place or location where one or more hives containing honey bees and associated bee equipment is kept

Abutter: shall mean a property adjacent to the property of another

Bees: see the definition of "Honeybee" (*Apis mellifera*)

Beekeeper: shall mean any person(s) responsible for the keeping of bees and person(s) permitted by the Cambridge Public Health Department to keep bees in Cambridge



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Brood: shall mean bees in the egg, larval, or pupal life stage of development prior to emergence as adults from their cells

Colony: shall mean a hive and its equipment and appurtenances, including, bees, comb, honey pollen, and brood

Flight path: shall mean the 3 foot radius surrounding the entrance to a hive. This area surrounding the hive entrance is the site of heightened bee movement as bees enter and exit the hive

Flyway: shall mean the direction bees fly leaving their colony

Department: shall mean the Cambridge Public Health Department

Hive: shall mean a structure intended for the housing of a honey bee colony

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

Honeybee or "Bees": shall mean any life stage of the common domestic honey bee, *Apis mellifera*

Honeybee disease: shall mean any infectious, contagious, or harmful disease, including but not limited to: American foulbrood, European foulbrood, sacbrood, chalkbrood *Ascophæra apis*, *Nosema apis*, bee paralysis virus, or any abnormal condition of eggs, larval, pupal, or adult life stages of honey bees

ISD: shall mean the Cambridge Inspectional Services Department

MassDEP: shall mean the Massachusetts Department of Environmental Protection

MDAR: shall mean the Massachusetts Department of Agricultural Resources

MDPH: shall mean the Massachusetts Department of Public Health

Nuc: shall mean a nucleus or very small hive often used to temporarily house bees that may be split from a strong colony as a form of swarm management and/or queen rearing

Observation Hive: shall mean a small hive located indoors (but with outdoor access for the bees) that is equipped with components such that it allows one to view the hive contents

Owner: shall mean any person who owns or controls hives or beekeeping equipment, including beekeepers

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



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Property owner: shall mean every person who alone or severally with others: (1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (3) is a mortgagee in possession of any such property; or (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house

Public health nuisance: shall mean unreasonable interference with or that which is injurious to the health, safety, hygiene, and comfort of the general public. Public nuisance conditions include but are not limited to that which is unsanitary, by means of accumulation of organic waste, combustible or non-combustible inorganic waste materials, or other filth or health hazards. See also M.G.L c.111 §122.

Retail food permit: shall mean a food establishment license or permit issued by the Cambridge Inspectional Services Department per the MA Food Code 105 CMR 590.000

Robbing: shall mean the removal of honey from dead or weakened colonies by honey bees not belonging to that colony

“Smoker” or “bee smoker”: shall mean a device used to blow smoke into a hive to quiet bees before working on or about the hive

Swarm: shall mean colony or partial colony in search of shelter

Swarming: means the natural proliferation of bees by the splitting of one colony into two or more colonies

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 is licensed by the Massachusetts Department of Public Health, Food Protection Program to sell food to other businesses rather than direct to consumer



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Section 4. Application & Permits

1. No person may keep honeybees (*Apis mellifera*) without first submitting an application for a permit from the Cambridge Public Health Department.
 - a. Each applicant shall submit a package to the Department which shall include the following items:
 - i. Scale drawing (hand drawn or electronic), with proposed hive location(s) and dimensions, number of hives, hive structure design including entrances, flight path, flyway, flyway barriers, and existence of any other structures in the yard
 - ii. Description of hive construction and provisions to exclude predators
 - iii. Written (signed) consent of property owner of record
 - iv. Written (signed) statement from beekeeper or owner, which shall include
 1. An agreement to not abandon hives in case of rental contract termination or sale of property; and
 2. A written contingency plan to transfer ownership of hive(s) to another beekeeper or sanctuary if necessary; and
 3. Acknowledgment that honeybees cannot be surrendered to Cambridge Animal Control at any time
 - b. Application Review
 - i. The Department will review complete applications and may require additional information or clarifying statements to aid in review of application or suggest modifications to plans for final approval
 - ii. The applicant shall notify abutting neighbors of application
 - c. Permit Approval
 - i. Any modifications of plans after permit is issued shall require written notification to the Department and shall require re-approval;
 - ii. All permits issued by the Department shall be nontransferable
 1. Any sale or transfer of property shall require written notification by the permit holder to the health department immediately
 2. A new permit application must be submitted to the Department by any new owner seeking to keep bees on said property
2. Permit application and renewal fees (TBD)
3. Permit Renewal schedule
 - a. All permits shall be renewed annually and shall expire on December 31 of each calendar year
 - b. Permit renewal applications must be submitted to the Department at least 3 weeks before expiration date



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Section 5. Operations & Practice

1. All beekeeping practices and apiary maintenance, including but not limited to bees, broods, colonies, hives, observation hives, nucs, swarms, and management of swarming or robbing behavior shall:
 - a. Conform with applicable state and local regulations and standards, including
 - i. MDAR regulation 330 CMR 8.00; and
 - ii. Cambridge zoning ordinance; and
 - iii. Massachusetts Beekeeper's Association's Best Management Practices
 - b. In addition to the aforementioned regulations and standards in Section 5.01(a), all operations and practice shall occur in such a manner as to prevent a public health nuisance and unsanitary conditions
 - i. Ground-level apiaries shall be constructed at least 5 inches off the ground and use fine mesh hardware cloth or screens to exclude pests, including rodents
 - ii. Honey and hive by-products shall be removed regularly, indoors, to exclude pests and predators
 - iii. Fresh water provided to hive(s) shall be emptied and refilled on a constant basis to prevent stagnant water from serving as a breeding ground for mosquitoes
2. All hives shall be marked with owner's name and contact information
3. Use of any neonicotinoid pesticides, a class of chemical insecticides that are associated with harm to bees and are persistent environmental pollutants, shall be strictly prohibited on any property containing hives or apiaries
4. Use of "smokers" to calm bees shall comply with MassDEP air quality regulations, including 310 CMR 7.00
5. All owners must notify the Department to any changes to the plan submitted in their original permit application in accordance with Section 4 of this regulation

Section 6.00 Sale of Honey

1. Sale of processed honey requires a retail food permit from the Cambridge Inspectional Services Division (ISD) and compliance with the Massachusetts Department of Public Health (MDPH) retail food code 105 CMR 590.
2. Unprocessed ("raw") honey is exempt from the requirements of 105 CMR 590. Exclusive sale of unprocessed honey only does not require a retail food permit.
3. Commercial processing, wholesale processed honey operations, and distribution requires a wholesale permit from MDPH Food Protection Program



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Section 7.00 Inspections

1. The Department or designated agent(s) for the Department shall be the chief enforcement officer of this regulation and shall have the authority to issue violations, enforcement orders, and penalties.
2. There may be one or more initial inspections during the permit application and review phase to determine permit approval
3. Inspections by the chief enforcement officer shall take place upon the following:
 - a. Written, electronic, or telephonic complaint
 - b. Any changes or modifications to plan or ownership as outlined in Section 4 of this regulation
 - c. As needed to ensure safe and sanitary operations

Section 8.00 Violations, Enforcement Orders & Penalties

1. Written notice of any violation of this Regulation shall be given to the beekeeper and property owner by the chief enforcement officer, and shall:
 - a. Specify the nature of the violation and the schedule for compliance
 - b. Order any corrective actions that must be undertaken to bring to compliance, and
 - c. Order any preventative measure required to avoid future violations.
2. Any permit holder or licensee may request a hearing by written request to the Department within 10 days of receipt of written notice of violations.
3. If the Department, or it's agent, determines that the hive(s) causes disturbances on, or damage to neighboring property or public areas, the Department or its agent may require that the hive be removed, at the owner's expense, immediately
4. Whoever 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:
 - a. First Offense - \$25.00
 - b. Second Offense - \$50.00
 - c. Third Offense - \$100.00
 - d. Fourth and Further Offenses - \$300.00
 - e. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
5. Whoever violates any provision of this regulation may be penalized by indictment or on 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



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portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

6. The Department may suspend, revoke, or decline to renew a permit for cause after reasonable notice to the licensee of the grounds for the proposed action.

Section 9.00 Variances

1. The Department may vary the application of any provision of this regulation with respect to any particular case, when, in the Department's opinion, the enforcement thereof would do manifest injustice; provided that the decision does not jeopardize public health or the environment and shall not conflict with the intent and spirit of this regulation.
2. A request for a variance shall be submitted in writing. The Department may ask for supporting evidence in order to consider the variance request. The request shall not be deemed complete until all such requested evidence has been received by the Department.
3. 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, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in accordance with this regulation.
4. Any variance granted by the Department 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.

Section 10.00 Severability

1. 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 the 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 regulations are hereby declared to be severable.