



Cambridge  
Public Health  
Department

## **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 seeks to promote the creation of urban agriculture initiatives to support local access to healthy food; and

**WHEREAS**, keeping domestic honeybees 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.

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### **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 their 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 adjacent to the property where Beekeeping is proposed as well as any property which is directly opposite of such property 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.



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

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 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 Area: 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 of permits, requests for variances, and the enforcement of violations of this Regulation.

Pests: Shall refer to rodents, vermin, and insects, including vectors that transmit diseases to humans, such as flies and mosquitoes.

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 has legal title or the right to occupy or control any parcel of land, whether built upon, vacant or otherwise.

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 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 direct 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 Beekeepers 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.



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- ii. Ground-level Beehives shall be constructed at least 5 inches off the ground and use industry accepted prevention strategies to exclude Pests. Refer to the Massachusetts Department of Agricultural Resources Apiary Program for best practices.
  - iii. 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 utilized to ensure that Bees fly up and away vertically:
    - 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 utilized, 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. Apiary Placement
- i. An Apiary must be located at least five (5) feet from any property line.
  - ii. An Apiary may be closer to the property line if there is a solid fence or wall to act as a flyway barrier separating the Apiary from an abutting property.
- d. 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.



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- ii. Bees shall have access to fresh potable water daily. Fresh water provided for Bees shall be emptied and refilled on a constant basis to prevent stagnant water from serving as a breeding ground for mosquitoes.
- e. 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.
- c. Commercial processing, wholesale processed honey operations, and distribution requires a Wholesale Food Permit from MDPH Food Protection Program.

### **Section 7. Application & Permits**

- a. Permit: No person shall keep Bees in Cambridge without first obtaining a permit to do so from the Panel pursuant to this Regulation.
- b. Application Requirements: Each person proposing to keep Bees shall submit an application to the Department which shall include the following:
  - i. Applicant name and contact information
  - ii. A scale drawing (hand-drawn or electronic), which depicts:
    1. The size of the lot;
    2. The proposed Beehive location(s) and dimensions;
    3. The number of Beehives;
    4. The location of existing structures on the lot, including fences and the distance of Beehive(s) from existing structures on the lot and from all adjacent lots; and
    5. The placement of any additional Beehive structures including entrances, Flight Area, Beehive Flyway, and Beehive Flyway Barriers if utilized.



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- iii. A description of the Beehive(s)' construction, including measures to exclude Pests;
  - iv. A signed consent of Property Owner(s) allowing the keeping of Bees on the lot;
  - v. A signed statement by the Beekeeper (applicant), which shall include:
    - 1. An agreement by the Beekeeper to not abandon the Bees in the event that the Beekeeper's right to use the lot has been terminated due to the sale of the lot of expiration of a tenancy;
    - 2. A written contingency plan to transfer ownership of all permitted Apiaries to another Beekeeper or sanctuary if necessary.
- c. Application Review:
- i. 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.
  - ii. The Panel will only consider applications that are complete. The Panel may require additional information from an applicant in order to aid in the review of any such application.
  - iii. There may be one or more inspections conducted by the Panel during the permit application process.
  - iv. The Panel may approve or reject portions of an application or require modifications to an application before it is approved.
- d. Permit Modifications and Transferability
- i. After a permit to keep Bees has been issued, modifications may be made to a plan or structure so long as said modifications are in compliance with all applicable federal, state and local laws, rules and regulations including, but not limited to, the Cambridge Zoning Ordinance and this Regulation. Beekeepers shall notify the Department or its designee(s) of any major changes to the Apiary or Apiaries or daily caretaking operations.
  - ii. Any permit to keep Bees may only be transferred to a new Beekeeper if the following items are submitted to the Department in advance of the transfer:



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1. Written notice from the existing Beekeeper that includes their intent to transfer the permit and the name and contact information of the intended Beekeeper to which the permit will be transferred;
  2. The proposed date in which the transfer of Beekeeper responsibility will take place
  3. An updated statement and contingency plan signed by the Beekeeper to which the permit will be transferred
- iii. If a lot that houses an Apiary is sold or transferred to a new Property Owner, the Beekeeper shall immediately provide written notification of the same to the Department
  - iv. If the Property Owner of a lot changes, a copy of the Property Owner's written consent to Beekeeping on their property shall be provided to the Department should the new owner agree to continue Beekeeping on the property.
- e. Permit Application & Renewal Fees:
- i. Application Fee shall be \$50.
  - ii. Renewal Fee shall be \$25.
- f. Permit Renewal Schedule
- i. All permits to keep Bees may be renewed annually and shall expire on April 30th . 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.

### **Section 8. Inspections**

- a. The Commissioner or designee(s) for the Commissioner may inspect a Beehive at any time to investigate whether there has been a violation of this Regulation. The Commissioner or designees shall conduct an inspection when any of the following apply:
  - i. The Department has received a written or oral complaint about the keeping of Bees; or



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- ii. 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 designees during the application process.
- iii. The Department has found violations during prior inspections which suggest a need to monitor daily operations; or
- iv. As needed to ensure safe and sanitary operations.

a.

### **Section 9. Violations, Enforcement Orders & Penalties**

- a. Authority to enforce this Regulation shall be held by the Commissioner or designees.
- b. Any violation of this Regulation may be enforced by the Commissioner or designees, in the manner provided in M.G.L. c. 111 , § 187 and this Regulation.
- c. The Commissioner or his or her designees may inspect any Bees, Beehives, or Apiary at any time to investigate whether there has been a violation of this Regulation.
- d. 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;
  - 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
- e. Any person aggrieved by a decision of the Commissioner may request a hearing before the Panel to review this decision. Such requests shall be in writing and received by the Commissioner no later than ten (10) days following the issuance of the Commissioner's decision.





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- f. 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.
- g. If the Commissioner or designees determines that a Beehive causes an imminent health hazard, the Commissioner or designees may require that the Beehive be immediately removed at the Beekeeper's expense without a hearing
- h. 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
- i. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- j. 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.
- k. 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 10. 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.



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

### **Section 11. 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.