

R68. Agriculture and Food, Plant Industry.

R68-21. Beekeeping Standards.

R68-21-1. Authority.

This rule is promulgated according to the authority of Subsection 4-11-116(4).

R68-21-2. Purpose.

(1) This rule establishes standards for beekeeping activities on private property within urban counties or municipalities and nonurban counties.

(2) The goal of the standards is to balance the needs of beekeepers with the concerns of nearby residents and businesses and promote responsible beekeeping practices while safeguarding public health and safety.

R68-21-3. Definitions.

For the purpose of this rule, the terms defined in Section 4-11-102 and the following terms shall apply:

(1) "Governmental entity" means the same as defined in Section 11-13a-102.

(2) "Municipality" means the same as defined in Section 10-1-104.

(3) "Nonurban county or municipality" means a county of the fourth, fifth, or sixth class, or a municipality of a third class county that has a population of less than 10,000.

(4) "Sight-Obscuring Flyway Barrier" means a structure or planting that prevents a direct line of sight through it and redirects the flight path of bees.

(5) "Urban County" means a county of the first or second class.

(6) "Urban Municipality" means a municipality located within the boundaries of:

(a) an urban county; or

(b) a county of the third class, if the municipality has a population of 10,000 or more.

R68-21-4. Number of Hives.

(1) An urban county or municipality may limit the number of bee colonies allowed on private property if they:

(a) allow at least two colonies per property up to $\frac{1}{8}$ acre in size; and

(b) allow an additional two colonies for each additional $\frac{1}{8}$ acre of property.

(2) A governmental entity may not restrict the number of bee colonies on private property in a nonurban county or municipality.

R68-21-5. Location and Barrier Guidance for Hives.

(1) An urban county or municipality may require that apiaries are located at least 10 feet from a property line unless the property owner erects or maintains a sight-obscuring flyway barrier.

(2) Acceptable sight-obscuring flyway barriers shall extend five feet in either direction from the apiary and may not exceed the local county or municipal height restrictions.

(3) An urban county or municipality may prohibit bee colonies in the front yard of a residential property.

(4) In a nonurban county, a governmental entity may not restrict the location or require a sight-obscuring flyway barrier for bee colonies on private property.

(5) A governmental entity may not designate any location as unsuitable for beekeeping on private property.

R68-21-6. Swarming Prevention, Water Sources, and Open Feeding.

(1) A governmental entity may not restrict bee swarming behaviors.

(2) An urban county or municipality may require beekeepers to ensure a constant source of fresh water on the same property as the apiary.

(3) In a nonurban county, a governmental entity may not require beekeepers to provide a water source for their bees.

(4) A governmental entity may not prohibit open feeding related to beekeeping on private property.

R68-21-7. Enforcement.

(1) A governmental entity may not create municipal or county codes, or ordinances, which are more restrictive than the beekeeping standards in this rule.

(2) Local code enforcement agencies are responsible for enforcing the beekeeping standards adopted by a governmental entity pursuant to this rule.

KEY: beekeeping; standards

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Authorizing, and Implemented or Interpreted Law: 4-11-116(4); 4-11-117(5)