

## ORDINANCE NO. 281

### ORDINANCE OF THE RICHLANDTOWN BOROUGH COUNCIL AMENDING THE RICHLANDTOWN BOROUGH CODE OF ORDINANCES CONCERNING ANIMALS WITH THE ADDITION OF PART 3 REGULATING THE KEEPING OF BEES

IT IS HEREBY ENACTED AND ORDAINED, by the Council of Richlandtown Borough, Bucks County, Pennsylvania, as follows:

#### SECTION I

Chapter 2, Part 3 of the Richlandtown Code of Ordinance is hereby added as follows:

#### PART 3

#### REGULATING THE KEEPING OF BEES

##### **§2-301. Intent.**

It is recognized that Honey bees are beneficial to humankind and to Pennsylvania in particular by providing both home garden and agricultural pollination services as well as furnishing honey, beeswax and other useful products. The purpose of this ordinance is to establish certain requirements for beekeeping within Richlandtown Borough.

##### **§2-302. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

APIARY – Any place where one or more colonies of bees are kept at a single location.

AFRICANIZED HONEY BEE – Hybrids of the African honey bee (*Apis mellifera scutellata*) with various European honey bees that are aggressive compared to the European subspecies.

BEE – Any stage of the honey bee (*Apis mellifera*).

BEEKEEPER – A person who owns or has charge of one or more colonies of honey bees.

BEE DISEASE – Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture.

COLONY – An aggregate of honey bees consisting of workers, drones and a queen.

DEPARTMENT – Refers to the Pennsylvania Department of Agriculture, Bureau of Plant Industry.

FLYWAY BARRIER – A wall, fence, vegetation, hedge or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

HIVE – A receptacle or container, that includes modern moveable frames or combs, in which an active colony inhabits and exceeds a volume of 50 liters (i.e. a single standard Langstroth 9 5/8” deep body with 10 frames plus one additional hive body).

HONEY BEE – All life stages, of the common domestic honey bee, *Apis mellifera* species (“European” honey bee).

NUCLEUS COLONY – A hive that does not exceed the volume of 50 liters (i.e. a single 10 frame standard 9 5/8” deep body or less).

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

### **§2-303. Standards of Practice.**

Honey bee apiaries are permitted as an accessory use in Richlandtown Borough when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and the following regulations:

1. No beekeepers may own or maintain an apiary within the municipality without first registering and maintaining a current permit for all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
2. A beekeeper owning or maintaining an apiary in the municipality shall promptly notify the Code Enforcement Officer or appropriate office without unnecessary delay, and in no event longer than 72 hours, if the Department revokes said apiary registration or if said registration has lapsed.
3. No beekeeper shall own or maintain an apiary within the municipality without first obtaining a registration permit from Richlandtown Borough. An application for a one-time registration permit shall be made in writing and upon supplied form or in such format as established by the municipality. The application shall be accompanied by a lot plan that includes the size of the lot, the location and number of hives, the location of the water source, the distance of the hives from any property lines and, if required, the location of any flyway barriers. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances.
4. The application for a municipal permit shall also be accompanied by written evidence that the applicant has completed a beekeeping educational course/program with a minimum of 8 hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper.

5. A beekeeper owning or maintaining an apiary in the municipality must continue beekeeping education by maintaining a membership in a local beekeepers association.

## **§2-304. Location and Colony Density.**

Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate any possible concerns to adjoining neighbors:

### **A. Hive Location.**

Location of hives must comply with the following criteria:

1. Hives shall not be located within 25 feet of any side or rear property line.
2. Hives shall not be located within a front yard.
3. Hives shall not be located within 50 feet of a pre-existing swimming pool or a pre-existing kenneled animal.
4. Apiaries are not permitted within 25 feet of any buildings located on adjacent properties.

### **B. Maximum Number of Hives.**

For a property with a minimum of 2,500 square feet of uninterrupted lot area, a beekeeper is permitted to keep one colony. For each additional 2,500 square feet of lot area (excluding structures), the beekeeper is permitted one additional colony.

### ***Exceptions:***

A beekeeper may exceed these regulations under the following conditions:

1. As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to 45 days between April 15<sup>th</sup> and August 15<sup>th</sup>, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
2. For each allowed hive, a single nucleus hive may be kept from August 16<sup>th</sup> to April 14<sup>th</sup> to allow a beekeeper to mitigate winter bee losses.
3. Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of section 4B and shall not exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Department.

## **§2-305. Zoning.**

Apiaries may be located in any zoning district.

1. All beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.

2. All beekeepers, shall, to the best of their ability, maintain their colonies per the **Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania** as provided and amended by the Pennsylvania Apiary Advisory Board.
3. To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least six feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" at least six feet in height shall be placed alongside of the hive(s) that contains the entrance to the hive(s), shall be located within five feet of the hive(s) and shall extend at least two feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, vegetation, hedge or a combination thereof. No flyway barrier is required for hive(s) that are located greater than 25 feet from property lines or on porches, balconies or roof tops that are at least 10 feet above grade except on adjacent properties where such porch, balcony or roof is located less than 25 feet from a property line.

***Exceptions to Flyway Barrier:***

A flyway barrier is not required if the property adjoining the apiary lot line is:

- (a) Undeveloped, or
  - (b) Zoned agricultural, industrial or is outside municipal limits, or
  - (c) Is a state game lands, state park, national forest, state forest, natural park or conservation area and has no preexisting human or horse trails located within 25 feet of the property line.
4. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties between April 1<sup>st</sup> and November 1<sup>st</sup>.
  5. All beekeepers shall ensure that no bee comb or other materials that attract honey bees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.

**§2-306. Inspection.**

An inspection of each hive is to be conducted by the beekeeper at least once every 6 months to assess the health of the colony and its environment.

If an inspection is required as a result of a nuisance complaint, the designated municipal code enforcement officer or Borough representative will inspect the property only and not the bee hives. A state or local beekeeping organization will be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honey bees/beekeeper (i.e "bee" stings are often caused by yellow jackets, hornets and wasps and mistakenly blamed on

honey bees because the honey bee colonies can be seen unlike many other aggressive stinging insects). A notice of 48 hours shall be given to the beekeeper prior to any inspection.

### **§2-307. Nuisance.**

It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:

1. The use of receptacles for honey bees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
2. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health and welfare of the general public.
3. The presence of Africanized honey bees.
4. The sale of honey or honey-derived products.
5. The abandonment or significant neglect of a hive such that it is no longer safely inhabitable.
6. The presence of diseased honey bees.

### **§2-308. Violation of State Law.**

Any violation of this Ordinance that would also violate any State law shall be prosecuted under that State law and not under this Ordinance.

### **§2-309. Penalties.**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

## **SECTION II     REPEALER**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

## **SECTION III     SEVERABILITY**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect

or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

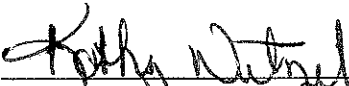
**SECTION IV    EFFECTIVE DATE**

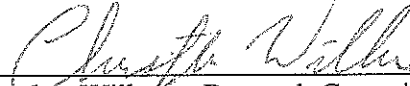
This Ordinance shall become effective five (5) days after enactment or upon recordation of this Ordinance within the Borough's official Ordinance Book, whichever comes later.

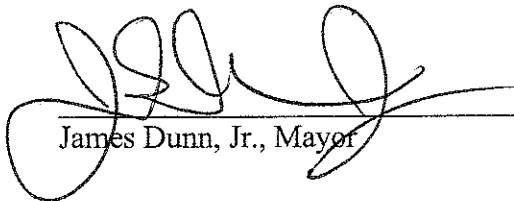
ENACTED this 17<sup>th</sup> day of July, A.D., 2021

ATTEST:

**RICHLANDTOWN BOROUGH COUNCIL**

  
Kathy Wetzel, Secretary

  
Christopher Willever, Borough Council President

  
James Dunn, Jr., Mayor