

ORDINANCE NO. 2020-_____

AN ORDINANCE OF LANGHORNE BOROUGH, BUCKS COUNTY, PENNSYLVANIA,
AMENDING THE 1995 LANGHORNE BOROUGH ZONING ORDINANCE,
ARTICLE 4, SECTION I8 TO ADD SUB-SECTION g.
TO ESTABLISH THE CULTIVATION OF BEES AS A RESIDENTIAL ACCESSORY USE,
TO ESTABLISH A REGISTRATION AND INSPECTION PROCESS, AND TO ESTABLISH
ADMINISTRATIVE PROCEDURES, FEES AND PENALTIES FOR NON-COMPLIANCE.

WHEREAS, Borough Council has determined that the health, safety and general welfare of the citizens of Langhorne Borough will be served by authorizing, regulating and administering the keeping of bees as a hobby or other non-commercial purpose in residential districts;

WHEREAS, Borough Council has determined that the unregulated keeping of bees may cause a nuisance or hazard to surrounding properties, residents, pets and wildlife; and,

WHEREAS, Borough Council has determined that encouraging self-sufficiency by the limited cultivation of bees will benefit the citizens of the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED that the 1995 Langhorne Borough Zoning Ordinance, Article 4 is revised, modified, and amended as follows:

Article 4 Section I8 Keeping of Pets

- g. No person may cultivate bees by the maintenance of beehives or apiaries on any property used for residential purposes in the Borough, except in compliance with this sub-section and all applicable Borough and state laws, ordinances and regulations.
 - (i) Definitions. As used in this section, all terms shall be defined in the manner set forth in §2102 of the Pennsylvania Bee Law, 3 Pa.C.S.A. §2102, as amended, unless a different meaning clearly appears from the context.
 - (ii) State Permit required.
 - (a) No beekeeper may own or maintain an apiary without first registering the apiary with the Pennsylvania Department of Agriculture as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. §2101 et seq.
 - (b) No beekeeper may own or maintain an apiary without first obtaining a Best Management Certification from the Pennsylvania Department of Agriculture and executing the Department's Compliance Agreement for Beekeepers.
 - (c) A beekeeper owning or maintaining an apiary shall notify the Borough Zoning Officer within forty-eight (48 hrs.) hours if the Department revokes the Beekeeper's Best Management Certification.

(iii) Borough Permit required.

- (a) No person may maintain bee hives or apiaries on any property used for residential purposes prior to receipt of an annual residential bee-keeping permit, which permit may be obtained from Borough Hall upon submission of an application, on a form to be provided by the Borough, and upon payment of a fee in the amount set forth in a Fee Resolution. All residential bee-keeping permits shall expire on December 31 of the year in which they were issued.
- (b) 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 each water source, the distance of the hives from the property lines, and, if required, the location of any flyway barriers.
- (c) The application shall also be accompanied by written evidence that the applicant has completed a certified beekeeping educational program.
- (d) Non-property owner applicants who wish to own or maintain an apiary on property that the applicant is renting must include written permission from the property owner or landlord that explicitly indicates that the applicant has permission to maintain an apiary on the property. The written permission must include an acknowledgment from the property owner or landlord that they are responsible to ensure the apiary is removed when the tenant vacates the property. Such permission shall be supplied to the Borough as part of the annual bee-keeping permit application.
- (e) The issuance of a zoning permit does not obviate the necessity for compliance with all applicable H.A.R.B. and other Borough Ordinances requirements.
- (iv) Inspections. All properties for which a permit has been issued pursuant to this sub-section are subject to inspection by Borough representatives upon initial installation of any hive and in the discretion of the Borough to investigate any complaint concerning the hives kept on such property. Inspectors shall have free access, ingress and egress to and from any apiary, premises, building, or other place in which bees, wax, honey, hives, or appliances may be kept or stored.
- (v) Maximum permitted. No more than two hives may be kept on any property at any time.
- (vi) Africanized bees prohibited. Hybrids of African honeybee with European and North American honeybees are aggressive compared to the European and North American subspecies and are not permitted. No person shall use any such hybrid and shall immediately remove such hybrid bees if found in a hive.
- (vii) Non-Commercial Use. It shall be unlawful for any person to display, sell, offer for sale, barter or give away bees, beeswax, honey or mead from the property.

- (viii) Location. The location of hives shall comply with the following criteria:
- (a) Hives shall be located in the rear yard and set back at least ten (10') feet from all side and rear property lines.
 - (b) Hives shall be set back at least ten (10') feet from all principal residential structures.
 - (c) Hives shall not be located within fifty (50') feet of a swimming pool or permanently kenneled animal.
 - (d) Hive Orientation. Hive entrances shall face away from neighboring properties and in such a direction that bees fly across the beekeeper's property at sufficient distance to gain a height of at least eight (8') feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above eight (8') feet.
 - (e) Flyway Barrier. If the required 8' flight path cannot be established, a "flyway barrier" (at least 8' in height) shall be placed along the entrance side of the hive and shall extend at least two (2') feet on either side of the hive. A "flyway barrier" shall consist of a solid fence, dense vegetation, dense hedge, or combination thereof.
- (ix) Hive Type. No beekeeper shall keep or maintain bees in any hive other than a modern movable frame hive which permits thorough examination of every comb to determine the presence of bee disease.
- (x) Care. All beekeepers must apply and maintain Best Management Practices, which at a minimum includes the following:
- (a) Following and utilizing the policies, procedures and methods contained in the Pennsylvania Department of Agriculture's Compliance Agreement for Beekeepers;
 - (b) Ensuring a convenient source of fresh water is available to the bees from April 1st through November 1st each year and is located closer to the apiary than any other water source; and,
 - (c) Ensuring that no bee comb or other materials are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (xi) Nuisance. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause unhealthy conditions, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the beekeeper's property. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:

- (a) Multiple bees stinging, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
 - (b) The use of apiaries or receptacles for bees that does not comply with this sub-section;
 - (c) Hive placement and related bee movement such that the bees, without provocation, interfere with the freedom of movement of persons in a public right-of-way or pose a threat to the general safety, health, and welfare of the general public;
 - (d) The keeping of overcrowded, bee-diseased or abandoned hives;
 - (e) The presence of Africanized honeybees; or,
 - (f) The sale of honey at the property.
- (xii) Penalties.
- (a) Any person who violates any provision of this sub-section shall be subject to fine, with each day on which a violation occurs or exists to be deemed a separate and distinct offense.
 - (b) The Borough may revoke any residential bee-keeping permit upon the occurrence by the permittee of two (2) violations within the preceding 12-month period.

Effective Date. This Ordinance shall become effective in accordance with the provision of the Borough Code of the Commonwealth of Pennsylvania and the Pennsylvania Municipalities Planning Code.

ORDAINED AND ENACTED this 9th day of September, 2020.

LANGHORNE BOROUGH COUNCIL

Kari Thomas, President

Christine Schoell, Secretary

Examined and Approved this 9th day of September, 2020.

Joe Taylor, Mayor