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February 21, 2019

SENT VIA EMAIL: [REDACTED]  
AND U.S. FIRST CLASS MAIL

Robert A. Willig, Senior Deputy Attorney General  
Office of the Attorney General  
1251 Waterfront Place  
Mezzanine Level  
Pittsburgh, PA 15222

*Of Counsel*  
Michael O'Hara Peale, Jr. †  
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Bernard F. Slergiej

**RE: Hatfield Borough ACRE Request - [REDACTED]  
Our File [REDACTED]**

Dear Mr. Willig:

I am the Solicitor for Hatfield Borough, Montgomery County, and was given your letter of February 4, 2019 to respond to you on behalf of the Borough of Hatfield.

First, enclosed please find a signed and official copy of Ordinance No. 533 of Hatfield Borough which regulates the keeping of bees on lots within the Borough.

Most lots within the Borough are 6,000 to 8,000 square feet in total, and none, to my knowledge, meets the definition under the PA Right to Farm law of "not less than 10 contiguous acres in area [or] less than 10 contiguous acres in area but has an anticipated yearly gross income of at least \$10,000." Thus, it is not clear that either the ACRE law or the Pennsylvania Right to Farm law applies in this situation.

In any event, the Ordinance in question does not forbid or prohibit beekeeping in the Borough of Hatfield. On the contrary, Ordinance No. 533 recognizes relevant state law, requiring registration of all apiaries and tries to make the keeping of bees within the Borough on small residential lots compatible with the surrounding residential neighborhood.

Thomas J. Timoney  
(1927-2010)

John P. Knox  
(1927-2015)

Mark E. Weand, Jr.  
(1936-2018)

\* Member NJ Bar  
‡ Member NY Bar  
‡ Member DE Bar  
‡ Member MD Bar  
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February 21, 2019

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In arriving at a "maximum number of hives," the Borough elicited testimony at a public hearing and public meetings and also consulted the Pennsylvania Apiary Advisory Board Best Management Practices and Ordinances of similarly situated municipalities like the Borough of Forest Hills, Pennsylvania.

Enclosed please find the Minutes of Hatfield Borough Council September 19, 2018 where you will see an extensive discussion of the proposed Ordinance No. 533 prior to its enactment. I am also enclosing a copy of the Borough of Forest Hills Ordinance since Borough Council had that ordinance in front of them while debating the merits of Ordinance No. 533, and a copy of the Pennsylvania Apiary Advisor Board Best Management Practices since they also had that document as part of the discussion. In drafting and enacting Ordinance No. 533, the Hatfield Borough Council responded to complaints of neighbors of the complainants herein, [REDACTED] who complained about bees swarming in their neighborhood, and that at least one member of the neighborhood had a severe allergy to bees.

Borough Council listened carefully to bee activists and proponents while also listening to the [REDACTED] neighbors in trying to devise an ordinance which recognized the right of the [REDACTED] to do beekeeping while also recognizing the rights of their neighbors to coexist in a densely populated small residential neighborhood.

I will welcome the opportunity to discuss this matter with you if you feel that the Borough acted in violation of the Pennsylvania Right to Farm law or its ACRE law.

Thank you for your anticipated cooperation.

Very truly yours,

[REDACTED]

CMH/rl

Enclosures.

cc: Hatfield Borough Council [REDACTED]