

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 533**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY
COUNTY, PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) OF
THE CODE OF ORDINANCES OF THE BOROUGH OF HATFIELD,
MONTGOMERY COUNTY, PENNSYLVANIA PROVIDING DEFINITIONS
AND CONDITIONS FOR THE KEEPING OF BEES IN THE BOROUGH**

WHEREAS, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter
"Borough") is a municipality organized and existing under the laws of the Commonwealth of
Pennsylvania; and

WHEREAS, the Borough has enacted a Code of Ordinances pursuant to its statutory
authority in the Pennsylvania Borough Code and

WHEREAS, it is the intent of this ordinance to provide regulations for beekeeping in the
Borough in accordance with state law, while simultaneously advancing the substantial
government interest of public safety, health and protection; and

WHEREAS, the Borough has recognized the need to amend the Code of Ordinances to add a
section in Chapter 2, dealing with animals, to address beekeeping in the Borough as reflected
herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield
Borough, Montgomery County, Pennsylvania, to add a new Part 4, "Bees" to Chapter 2,
"Animals," as follows:

**PART 4
BEES**

§ 2-401. Beekeeping.

It shall be unlawful to keep any bees in the Borough except as provided herein.

1. 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 definition is stated below or a different meaning clearly appears from the context:

AFRICANIZED HONEYBEE

Hybrids of the African honeybee with various European honeybees that are aggressive compared to the European subspecies.

APIARY

Any place where one or more colonies or nuclei of bees are kept.

BEE

Any stage of the common hive or honeybee (*Apis mellifera*) or other species of the genus *Apis*.

BEE DISEASE

Any American or European foul brood, sac brood, bee paralysis or other disease or abnormal condition of eggs, larval, pupal or adult stages of the honeybee.

BEEKEEPER

An owner of an apiary or a person who has charge of an apiary or one or more colonies of bees in the Borough.

BEST MANAGEMENT PRACTICES

The policies, procedures, and methods contained in the Pennsylvania Department of Agriculture's compliance agreement for beekeepers.

COLONY

An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones.

DEPARTMENT

The Pennsylvania Department of Agriculture.

FLYWAY

A barrier composed of dense vegetation or man-made materials which direct the bees quickly into the sky.

HIVE

Any frame hive, box hive, box, barrel, log, gum, skep or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed by a beekeeper as a domicile for bees which are expected to establish a permanent nest.

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2. Registration, Certification, and Permits.
 - A. No beekeeper may own or maintain an apiary within the Borough without first registering all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. § 2101 et seq., as amended.
 - B. No beekeeper may own or maintain an apiary within the Borough without first obtaining a best management certification from the Department and executing the Department's compliance agreement for beekeepers. A beekeeper owning or maintaining an apiary in the Borough shall promptly notify the Borough Code Enforcement Officer without unnecessary delay, and in no event longer than 48 hours, if the Department revokes said beekeeper's best management certification.
 - C. No beekeeper may own or maintain an apiary within the Borough without first obtaining an annual permit from the Borough. An application for an annual permit shall be made in writing and upon such form or in such format as established by the Borough, and shall be accompanied by the prescribed permit fee in the amount established from time to time by resolution of Borough Council. 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. The application shall also be accompanied by written evidence that the applicant has completed a certified beekeeping educational program. The issuance of a permit shall not obviate the necessity for compliance with all other Borough ordinances.
 - D. Non-property owners that wish to own or maintain an apiary on property that the non-property owner is renting must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the Borough as part of the annual bee keeping permit application.
3. Maximum Number of Colonies. For property with a minimum of 2,000 square feet of

lot area, a beekeeper is permitted to keep two hives. For every additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.

4. **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.
5. **Location of Hives.** Location of hives must comply with the following criteria:
 - A. Hives shall not be located within 10 feet of any side or rear property line.
 - B. Hives shall not be located within a front yard.
 - C. Hives shall not be located within 50 feet of a swimming pool or permanently kenneled animal.
 - D. Apiaries may be located in any zoning district.
6. **Hive Orientation.** Hive entrances shall face away from neighboring property and in such a direction that 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" shall be placed at least six feet in height, shall be placed along the side 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 solid fence, dense vegetation, dense hedge, or combination thereof. No flyway is required for hives that are located on porches or balconies at least 10 feet above grade, except where such porch or balcony is located less than five feet from a property line.
7. **Water.** All beekeepers in the Borough shall ensure that a convenient source of fresh water is available to the bees from April 1 through November 1 each year and is located closer to the apiary than any other water source.
8. **Best Management Practices.** All beekeepers owning or maintaining an apiary in the Borough shall practice those best management practices as set forth by the Department.
9. **Maintenance.** All beekeepers shall ensure 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.
10. **Inspection.** The Borough, the Department and any apiary inspector appointed by the Borough shall have free access, ingress, and egress to and from any apiary, premises, building, or other place, public or private, in which bees, wax, honey, hives, or appliances may be kept or stored. No person shall deny any such access or hinder or resist an inspection.
11. **Nuisance.** It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition, 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 property on which the bees are kept. The Borough, with or without the guidance of an apiary inspector, may seize and/or destroy the hives or bee receptacles that

are a public nuisance pursuant to this part without remuneration to the beekeeper. 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 Subsection 4 of this 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 the location of bees pose a threat to the general safety, health, and welfare of the general public.
- D. The keeping of overcrowded, bee diseased or abandoned hives.

12. Prohibitions. Africanized honeybees may not be kept on any property in the Borough.

§ 2-402. Sale of Honey.

The sale of honey must comply with state and federal laws and regulations and with the existing Borough Code of Ordinances. The sale of honey must also comply with the Borough's zoning ordinance regulations for home occupations if located in a residential zone.

§ 2-403. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rule of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

NOW THEREFORE, be it ORDAINED and ENACTED by the Borough Council of the Borough of Hatfield this day of , 2018, with Council members _____ voting "aye," and

Councilmembers _____ voting "Nay."

ATTEST:

BOROUGH OF HATFIELD

MICHAEL J. DEFINIS, SECRETARY

JOHN H. WEIERMAN, PRESIDENT
BOROUGH COUNCIL

APPROVED this day of , 2018.

Mayor Robert L. Kaler III

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