

**Borough of Lansdowne
12 E. Baltimore Avenue
Lansdowne, PA 19050**

ORDINANCE NO. 2019 - 01

**ORDINANCE OF THE BOROUGH OF LANSDOWNE PERMITTING THE KEEPING
OF HONEY BEE HIVES IN THE BOROUGH SUBJECT TO CERTAIN CONDITIONS
AND REGULATIONS**

WHEREAS, honey bees (*apis mellifera*) are of benefit to humankind, and to Pennsylvania in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Pennsylvania is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, in 2017 the Penn State College of Agricultural Services adopted a Pollinator Protection Plan with recommendations for providing more habitat and support for endangered pollinators including honey bees; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed, and the Borough therefore desires to adopt regulations which permit beekeeping within the Borough, subject to certain regulations and conditions intended to avoid the creation of any nuisance in association with beekeeping;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Lansdowne as follows:

Section 1. New Chapter 132 of the Code of the Borough of Lansdowne, entitled “Beekeeping”.

BEEKEEPING

132-1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this

ordinance.

132-2. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

“Apiary” means the assembly of one or more colonies of bees at a single location.

“Beekeeper” means a person who owns or has charge of one or more colonies of bees.

“Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

“Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

“Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

“Lot” means a contiguous parcel of land under common ownership.

“Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

“Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

132-3. Purpose of Ordinance.

a. The purpose of this ordinance is to establish certain requirements for beekeeping within the Borough, to avoid issues which might otherwise be associated with beekeeping in populated areas.

b. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of

the beekeeper's efforts to abate any proven nuisance.

c. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Pennsylvania.

132-4. Standards of Practice

a. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

b. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

c. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

d. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

132-5. Colony Density.

a. Except as otherwise provided in this ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the Borough limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line. The flyway buffer shall comply with any applicable regulations of fences under the Borough's Zoning Ordinance (Chapter 330) and any other applicable ordinances.

b. No person is permitted to keep more than the following numbers of colonies on

any lot within the Borough, based upon the size or configuration of the apiary lot:

One half acre or smaller lot:	2 colonies
Larger than 1/2 acre but smaller than 3/4 acre lot:	4 colonies
Larger than 3/4 acre lot but smaller than 1 acre lot:	6 colonies
One acre but smaller than 5 acres:	8 colonies
Larger than 5 acres:	no restriction

c. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

132- 6. Inspection.

A designated Borough official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

132-7. Violations and penalties.

Whoever violates or fails to comply with any of the provisions of this chapter, or fails to correct, within the time set by the Borough Manager or his or her designee, the violations for which such person has been cited shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 30 days in the county jail, or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The Borough is also authorized to enforce the provisions of the chapter by equitable action for injunctive relief.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

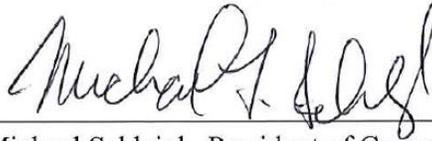
Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance

would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 4. Effective Date. This ordinance shall be effective as of its date of adoption.

ENACTED AND ORDAINED this 17th day of April, 2019.

LANSDOWNE BOROUGH COUNCIL



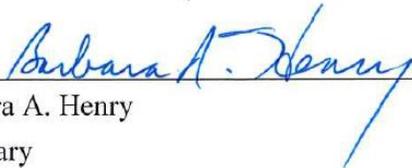
Michael Schleigh, President of Council

APPROVED this 17th day of April , 2019.



Anthony Campuzano
Mayor

ATTEST:



Barbara A. Henry
Secretary