TOWNSHIP OF EAST HEMPFIELD
Lancaster County, Pennsylvania

ORDINANCE NO. ______

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST HEMPFIELD BY MAKING CERTAIN AMENDMENTS TO THE ZONING ORDINANCE INVOLVING THE DEFINITIONS AND PERMITTED ZONES FOR BEEKEEPING.

WHEREAS, the Board of Supervisors of East Hempfield Township has enacted the East Hempfield Township Zoning Ordinance of 2014, as set forth at Chapter 270 of the Code of the Township of East Hempfield (the “Code”); and

WHEREAS, the Board of Supervisors desires to make certain amendments to the Zoning Ordinance provisions of the Code;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, as follows:

1. Section 270-2.2 of the Code, involving definitions, is amended to include the following, with material which is underlined representing new material and material with strikeouts representing deleted material:

§270-2.2. Definitions:

Add definition:

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 actional disease as determined by the PA Department of Agriculture.

**COLONY**

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

**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).

**DEPARTMENT**

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

**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).

**HONEY BEE**

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

**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.

2. Section 270-3.2 of the Code, dealing with uses permitted within the Agriculture Zone is amended to add the following uses:

§270-3.2 B. (5), Add use to the Agriculture Zone:

Add “Beekeeping”.

3. Section 270-3.3 of the Code, dealing with uses permitted within the Rural Business Zone is amended to add the following uses:

§270-3.3 B. (5), Add use to the Rural Business Zone:
Add “Beekeeping”.

4. Section 270-3.5 of the Code, dealing with uses permitted within the Low Density Residential Zone is amended to add the following uses:

§270-3.5 B. (5), Add use to the Low Density Residential Zone:

Add “Beekeeping”.

5. Section 270-3.6 of the Code, dealing with uses permitted within the Medium Density Residential Zone is amended to add the following uses:

§270-3.6 B. (5), Add use to the Medium Density Residential Zone:

Add “Beekeeping”.

6. Section 270-3.7 of the Code, dealing with uses permitted within the Village Residential Zone is amended to add the following uses:

§270-3.7 B. (5), Add use to the Village Residential Zone:

Add “Beekeeping”.

7. Section 270-3.8 of the Code, dealing with uses permitted within the Village Center Zone is amended to add the following uses:

§270-3.8 B. (5), Add use to the Village Center Zone:

Add “Beekeeping”.

8. Section 270-3.9 of the Code, dealing with uses permitted within the Community Business Center Zone is amended to add the following uses:

§270-3.9 B. (5), Add use to the Community Business Center Zone:

Add “Beekeeping”.

9. Section 270-3.10 of the Code, dealing with uses permitted within the Regional Commerce Center Zone is amended to add the following uses:

§270-3.10 B. (5), Add use to the Regional Commerce Center Zone:

Add “Beekeeping”.

10. Section 270-3.11 of the Code, dealing with uses permitted within the Campus Zone is amended to add the following uses

§270-3.11 B. (5), Add use to the Campus Zone:
Add “Beekeeping”.

11. Section 270-3.12 of the Code, dealing with uses permitted within the Enterprise Zone is amended to add the following uses:

§ 270-3.12. (5), Add use to the Enterprise Zone:
Add “Beekeeping”.

12. Section 270-3.13 of the Code, dealing with uses permitted within the Recreation/Open Space Zone is amended to add the following uses:

§ 270-3.13 B. (5), Add use to the Recreation/Open Space Zone:
Add “Beekeeping”.

13. Section 270-5.2 of the Code, dealing with additional use regulations for specific uses is amended as follows with underlined material being revised and material which is struck out being deleted:

§ 270-5.2 Beekeeping

(1) Standards of Practice: Honey bee apiaries are permitted by right as an accessory use in relevant Zoning Districts when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and subject to the following regulations:

(a) Registration, Certification and Permits:

(i) 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;

(ii) 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;

(iii) No beekeeper shall own or maintain an apiary within the municipality without first obtaining a zoning permit from the municipality. 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;

(iv) 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.;

(v) Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the municipality as part of the beekeeping registration application.

(b) Location and Colony Density: Placement of an apiary on a residential property shall conform to the following regulations so as to minimize and eliminate any possible concerns to adjoining neighbors:

[1] Hive Location and Density: 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 unless a flyway barrier is in place or the hive(s) are located at least 10 feet above grade; and

[b] Hives shall not be located within a front yard; and

[c] Hives shall not be located within 50 feet of a pre-existing swimming pool or a pre-existing kennel animal; and

[d] Apiaries are not permitted within 10 feet of any buildings located on adjacent properties.

[2] Maximum Number of Hives:

[a] For a property with a minimum of 3,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 1,500 square feet of lot area, the beekeeper is permitted an additional hive, and a beekeeper may exceed these regulations under the following conditions:

[b] 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 and August 15th, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.

[c] For each allowed hive, a single nucleus hive may be kept from August 16th to April 14th to allow a beekeeper to mitigate winter bee losses.

[d] Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of this Section, but they 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.

(c) Hive Type, Orientation and Maintenance


[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” shall be placed at least six feet in height, shall be placed along 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 fence, vegetation, hedge, or a combination thereof. No flyway barrier is required for hive(s) that are located greater than 10 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 10 feet from a property line.

(a) Exceptions to Flyway Barrier:

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

(a) Undeveloped, or

(b) an agricultural or industrial use, or

(c) is a state game lands, state park, national forest, state forest, natural park, or conservation area and has no pre-existing 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- Nov 1.

[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.

(d) Inspection. If an inspection is required as a result of a nuisance complaint, the Zoning Officer will inspect the property only and not the bee hives. The Township may contact the state and local beekeeping organizations to assist with determining 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 honey bee colonies can be seen unlike many other aggressive stinging insects). Notice of 24-48 hours shall be given to the beekeeper prior to any inspection.

(e) 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:


[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 public.

14. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

15. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of East Hempfield as provided by law.

DULY ORDAINED AND ENACTED this ___ day of July 2019, by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST HEMPFIELD
Lancaster County, Pennsylvania

Attest: ________________________________       By: ________________________________
   (Assistant) Secretary                        (Vice) Chairman
   Board of Supervisors

[TOWNSHIP SEAL]
I, Cindy A. Schweitzer, Secretary of the Board of Supervisors of East Hempfield Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Hempfield Township held on July _____, 2019, at which meeting a quorum was present and voted in favor thereof.

___________________________________
Cindy A. Schweitzer, Secretary