

**BOROUGH OF BIG BEAVER
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE 237**

**AN ORDINANCE OF THE BOROUGH OF BIG BEAVER, BEAVER COUNTY,
PENNSYLVANIA, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING AN
ORDINANCE FOR THE REGULATIONS REGARDING BEEKEEPING.**

Section 1. Intent

1. It is recognized that Honey Bees are beneficial to humankind and to Pennsylvania in particular by providing both home garden and agricultural pollination services as well as furnishing honey, beeswax, and other useful products.
2. The purpose of this ordinance is to:
 - A. Establish certain requirements for beekeeping on low density residential properties within the Borough.
 - B. Allow for the keeping of Bees in conjunction with Agricultural Operations and /or Farm.

Section 2. Definitions

1. As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:
 - A. **AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market (of at least \$1,000 annually) of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
 - B. **APIARY:** Any place where one or more colonies of bees are established, maintained and kept at a single location by a beekeeper.
 - C. **AFRICANIZED HONEY BEE:** Hybrids of the African Honey Bee (*Apis mellifera scutellata*) and various European Honey Bees that are aggressive compared to the European subspecies.
 - D. **BEEKEEPER:** A person who owns or has charge of one or more colonies of Honey Bees.
 - E. **BEE:** Any stage of the Honey Bee (*Apis mellifera*)
 - F. **BEE DISEASE:** Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture.

- G. COLONY: An aggregate of Honey Bees consisting of workers, drones and a queen.
- H. FARM: (See, AGRICULTURAL OPERATION). A parcel of land which is used for the raising and sale (of at least \$1,000) of agricultural products, livestock, poultry and dairy products and is properly licensed/ registered with an active farm number from the USDA. It includes farm structures for operations storage of equipment. On-site retail sales of products produced on the farm are permitted. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.
- I. 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 exceeds 50 liters).
 - i. A hive Body and Entrance along with covers are anticipated as an integral part of the hive in addition to the active hive body. And shall not be used in the calculation of size.
- J. DEPARTMENT OF AGRICULTURE: Refers to the Pennsylvania Department of Agriculture, Bureau of Plant Industry.
- K. NUCLEUS COLONY: A hive that does not exceed the volume of 50 Liters.
- L. HONEY BEE: All life stages, of the common domestic Honey Bee, *Apis mellifera* species ("European" Honey Bee).
- M. 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.
- N. RESIDENTIAL, LOW DENSITY: Residential uses including Single-Family dwellings, Manufactured (mobile), and Industrialized (Modular) housing.
- O. WILD COLONY: Bees nesting in a natural environment, including unintended habitation in built structures, and not established, maintained or kept by a beekeeper.

Section 3. Use Conditions

- 1. Honey Bee apiaries are permitted by right, as an accessory use to a low-density residential use when the following conditions are met:
 - A. Such use is in compliance with all Federal and State requirements including the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended).
 - i. Such compliance shall include any required registration and permitting with the Department of Agriculture.
 - ii. Any revocation of the permit shall make such use non-compliant.
 - B. Only European Honey Bee apiaries are permitted.
 - i. Africanized Honey Bees may not be kept on any property in the Borough.

- C. Hive Location.
 - i. Hives shall be located a minimum of ten (10) feet of any side or rear property line.
 - ii. Hives shall not be located within a front yard setback
 - iii. To the extent possible, hive entrances shall face away from any neighboring non-agricultural use and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least the six feet at the property line.
- D. Colony Density of Production Bee Hives by Lot Size.
 - i. Less than one-quarter ($\frac{1}{4}$) acre, one hive.
 - ii. One-quarter ($\frac{1}{4}$) but less than one-half ($\frac{1}{2}$) acre, 2 hives.
 - iii. More than one-half ($\frac{1}{2}$) acre but less than one (1) acre, 4 hives.
 - iv. One (1) acre to five (5) acres, 15 hives.
 - 1. Concentrations of more than 10 hives shall be set back fifty (50) feet from any non-Agricultural Operation or Farm Use.
 - v. More than five (5) acres, 50 hives.
 - 1. Concentrations of more than 10 hives shall be set back fifty (50) feet from any non-Agricultural Operation or Farm Use.
 - vi. Agricultural Operations and Farms shall have no limit on the number of hives.
 - 1. Concentrations of more than 10 hives shall be set back fifty (50) feet from any non-Agricultural Operation or Farm Use.
 - vii. In addition, as part of normal Honey Bee colony management, a beekeeper may also keep one additional nucleus hive for each permitted production hive to mitigate winter bee losses.
- E. Hive Maintenance
 - i. Beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
 - ii. Removal of any vacant bee hives shall be conducted in a manner that ensures no remaining bees or honeycomb are left behind, and that any residual materials are disposed of properly to prevent attraction of new colonies or pests.
- F. Bee and Hive Products
 - i. The sale of honey or other bee and hive related products must comply with all applicable:
 - 1. Borough Ordinances.
 - 2. County, State and Federal laws and regulations.

Section 4. Nuisance

- 1. Honey Bee hives shall be kept in such a manner as to prevent any unhealthy condition or purposefully interfere with the normal use of adjoining properties.
- 2. The following shall be considered a nuisance:
 - A. The use of receptacles for Honey Bees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended
 - B. Hive placement and related bee movement such that the bees:
 - i. Without provocation, interfere with the reasonable freedom of movement

- of persons on any adjacent property or in a public right-of-way.
- ii. Have a proven impact to the general safety, health, and welfare of the general public.
- C. The keeping of overcrowded, bee diseased or abandoned hives.
- D. Other Bee related activities that prevent the quiet enjoyment of adjacent properties.
 - i. Aesthetic considerations shall not be considered a nuisance.

Section 5. Inspection

1. If an inspection is required as a result of a nuisance complaint:
 - A. The Zoning Officer shall inspect the location of the hives on the property and external appearance of the hives; and not the interior of the bee hives.
 - B. The interior of the hives may be inspected by a competent individual typically from a state or local beekeeping organization to determine if 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 the Honey Bee colonies can be seen unlike many other aggressive stinging insects).
 - i. A notice of 48 hours shall be given to the beekeeper prior to any inspection.

Section 6. Penalties

1. For each and every violation of the provisions of this Ordinance, any Person(s), firm, partnership or corporation, violating any of the provisions of this Ordinance shall constitute a summary offense and, upon conviction by the issuing authority for the magisterial district which includes the Borough, shall be fined not less than Three Hundred (\$300.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, for each such violation of each section of this Ordinance.

Section 7. Enforcement

1. The provisions of this Ordinance are to be enforced by the Zoning and/or Code Enforcement Officer.

Section 8. Severability

1. If any chapter, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

Section 9. Repealer

1. Any ordinance, chapter, section, subsection, paragraph, sentence, or phrase of any Ordinance of the Borough conflicting with the provision of this Ordinance shall and the same is hereby repealed to the extent of such conflict.

Section 10. Effective Date

1. This ordinance shall be effective upon adoption

ENACTED AND ORDAINED by the Members of Council of Big Beaver Borough, Beaver County, Pennsylvania, in public meeting this 15th day of October, 2024.

ATTEST:

BIG BEAVER BOROUGH COUNCIL



Jennifer Gasser, Secretary



Kim Wagner, Council Vice President

Read and approved by me, Michelle Joy, Mayor/Council President of the Borough of Big Beaver, this 15th day of October, 2024.



Mayor/Council President