

## Chickens

It is recognized that chickens are beneficial to humankind as they provide nutritious and fresh food on a daily basis and it is in the best interest of the citizenry to allow for the keeping of Chickens in Swissvale Borough with appropriate regulations.

### A. Registration, Certification and Permits

1. No resident may keep chickens within the Borough without first registering and maintaining a current permit with the Borough as required by this ordinance 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 Borough. The application shall be accompanied by a lot plan that includes the size of the lot, the location of the chicken coop, the location of the water source, the number of chickens to be kept and the distance of the coop from any property lines. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances.
2. Chickens shall only be kept on the property where the permittee keeps his primary residence.
3. No chickens shall be kept at an unoccupied dwelling.
4. The application for a Borough permit shall be accompanied by a permit fee in the amount of \$50.00.

### B. Coop Location and Density

1. Location of chicken coops must comply with the following criteria:
  - a) Chicken coops shall not be located within 10 feet of any side or rear property line.
  - b) Chicken coops shall not be located within a front yard.
  - c) All seed, fertilizer and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
  - d) All chicken coops must be setback a minimum of 10 feet from any side or rear property line.
  - e) Keeping of poultry birds requires a minimum lot size 2,000 square feet. Lot or properties that meet the minimum lot size are permitted to keep three (3) chickens. For every additional 2,000 square feet of property above the minimum requirement, one additional chicken is permitted.
  - f) Roosters are not permitted under any circumstances.
  - g) All structures related to the housing of chickens shall be at least six (6) square feet in size and a minimum of two (2) square feet additional for every chicken above three (3) chickens.
  - h) The coop and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The coop may not be taller than six (6) feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the chickens from predators.

i) The structure and roaming area shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

j) Outdoor roaming areas for chickens shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic and to minimize external impacts of the outdoor roaming area.

## **Bees**

### **Section 1. Intent**

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. The purpose of this section of the ordinance is to establish certain requirements for beekeeping within Swissvale Borough.

### **Section 2. Definitions**

As used in this ordinance, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

**A. APIARY** - Any place where one or more colonies of bees are kept at a single location.

**B. 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.

**C. BEEKEEPER** - A person who owns or has charge of one or more colonies of honey bees.

**D. BEE** - Any stage of the honey bee (*Apis mellifera*)

**E. BEE DISEASE** - Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture

**F. COLONY** - An aggregate of honey bees consisting of workers, drones and a queen

**G. 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.

**H. 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)

**I. HONEY BEE** - All life stages, of the common domestic honeybee, *Apis mellifera* species ("European" honey bee).

**J. 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.

### **Section 3. Standards of Practice**

Honey bee apiaries are permitted by right as an accessory use in all residential 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

1. No beekeepers may own or maintain an apiary within Swissvale Borough without first registering and maintaining a current permit for all apiaries with the Pennsylvania Department of Agriculture as required by the Pennsylvania Bee Law (Act of December 12, 1994, P.L. 903, No. 131)(3 Pa.C.S.A. §§ 2101 – 2117).
2. No beekeepers may own or maintain an apiary within the Borough without first registering and maintaining a current permit for all apiaries with the Borough as required by this ordinance.
3. A beekeeper owning or maintaining an apiary in the Borough shall promptly notify the Code Enforcement Officer without unnecessary delay, and in no event longer than 72 hours, if the Commonwealth of Pennsylvania revokes said apiary registration or if said registration has lapsed.
4. No beekeeper shall own or maintain an apiary within the Borough without first obtaining a registration 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 Borough. 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 and the distance of the hives from any property lines. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances. The applicant shall also provide proof that neighbors with common property lines were notified of the proposed apiary before application is made.
5. 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.
6. Bees shall only be kept on the property where the beekeeper keeps his primary residence.
7. No bees shall be kept at an unoccupied dwelling.
8. The application for a Borough permit shall be accompanied by a permit fee in the amount of \$50.00.

#### **Section 4. Location and Colony Density**

Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate any possible concerns to adjoining neighbors:

#### A. Hive Location and Density

1. 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 pre-existing swimming pool or a pre-existing kenneled animal.
- d) Ground- mounted beehives shall be located no higher than 6 feet from grade.
- e) Roof-Mounted beehives shall be located on principal and accessory structures no lower than 10 feet from grade and not within the required setback even if the structure is located in the 10 foot side or rear yard setback.

#### B. Maximum Number of Hives

1. For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.

a) Exceptions: A beekeeper may exceed these regulations under the following conditions:

(1) 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.

(2) 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.

(3) Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of section 4B.

### **Section 5. Zoning Related Regulations**

Apiaries may be located in any residential zoning district.

#### A. Hive Type, Orientation and Maintenance

1. All beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended

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 the six feet at the property line. The use of barriers shall be employed to redirect the bees flight pathway and establish bee flight pathways above six feet. The "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) Zoned agricultural, industrial or is outside municipal limits, or
- (c) Is a state game lands, state park, national forest, state forest, natural park, or conservation area and has no preexisting human or horse trails located within 25 of the property line.

5. 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.

6. 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.

## **Section 6. Inspection**

If an inspection is required as a result of a nuisance complaint, the Code Enforcement Officer will inspect the property only and not the bee hives. The Code Enforcement Officer shall have the right to contact the Pennsylvania Department of Agriculture to assist in understanding how the complaint arose and to what extent it is actually caused by the honey bees/beekeeper. A notice of 24 hours shall be given to the beekeeper prior to any inspection.

**Section 7. 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:

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, 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 general public.