

OFFICIAL**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1039**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 2 OF THE FOREST HILLS BOROUGH CODE OF ORDINANCES, ANIMALS, TO PERMIT AND REGULATE THE KEEPING OF BEES AND CHICKENS WITHIN THE BOROUGH.

WHEREAS, Section 1202(10) of the Pennsylvania Borough Code, 53 P.S. §46202(10) authorizes the Borough of Forest Hills (the "Borough") to regulate the keeping of livestock, fowls and all other animals within the Borough; and

WHEREAS, Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, as amended, regulates the keeping of dogs, cats, and other animal within the Borough; and

WHEREAS, the Council of the Borough of Forest Hills desires to amend Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, as amended, to permit and regulate the keeping of bees and chickens within the Borough; and

WHEREAS, the Borough of Forest Hills is committed to creating policies that encourage environmental stewardship and sustainability.

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Section 2-301 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text and delete the stricken text:

§2-301. Keeping of Animals.

All kinds of animals may be maintained within the Borough of Forest Hills for non-commercial purposes provided such maintenance is not in violation of any Federal, State and/or County law, rule and/or regulation except equine animals, bovine animals, sheep, goats, porcine (pigs), fowl and poultry may not be maintained within the Borough of Forest Hills; except that chickens which meet the requirements of Section 311 herein may be maintained within the Borough.

SECTION 2. Section 2-306 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text:

§2-306. Animal Numbers Limited.

No residence shall contain at any one time more than two dogs, two cats or any combination thereof; or two of any other caged or uncaged animals, unless otherwise permitted herein. This limit shall not include litters of young which have not yet been weaned or which have been weaned for fewer than 6 weeks. There shall be no limit on the number of fish which any residence may maintain.

SECTION 3. Section 2-310 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended by restating Section 2-310 in its entirety as follows:

§2-310. Bees.

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

B. **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. Cons. Stat. Ann. §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*.

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.

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.

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.

C. Registration, Certification, and Permits.

- i. 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. Cons. Stat. Ann. §2101 *et. seq.*, as amended.
- ii. 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 Zoning Officer without unnecessary delay, and in no event longer than forty-eight (48) hours, if the Department revokes said Beekeeper’s Best Management Certification.
- iii. No Beekeeper may own or maintain an apiary within the Borough without first obtaining an annual permit from the Borough Zoning Officer. 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 zoning permit shall not obviate the necessity for compliance with all other Borough Ordinances, including, but not limited to, Chapter 27 of the Forest Hills Borough Code of Ordinances, “Zoning”, or, if applicable, Chapter 5 of the Forest Hills Borough Code of Ordinance, “Code Enforcement”.

- iv. 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.

D. **Maximum Number of Colonies.** For property with a minimum of two-thousand (2,000) square feet of lot area, a Beekeeper is permitted to keep two (2) hives. For every additional two-thousand (2,000) square feet of lot area, the Beekeeper is permitted two (2) additional hives.

E. **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.

F. **Location of Hives.** Location of hives must comply with the following criteria:

- i. Hives shall not be located within ten (10) feet of any side or rear property line;
- ii. Hives shall not be located within a front yard; and
- iii. Hives shall not be located within fifty feet of a swimming pool or permanently kenneled animal.
- iv. Apiaries may be located in any zoning district.

G. **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 (6) 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 (5) feet of the hive(s), and shall extend at least two (2) 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 ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line.

H. **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.

I. **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.

J. **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.

K. **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.

L. **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:

- i. Multiple bees stinging, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
- ii. The use of apiaries or receptacles for bees that does not comply with Subsection E of this Section;
- iii. 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; and
- iv. The keeping of overcrowded, bee diseased or abandoned hives.

N. Prohibitions. Africanized Honeybees may not be kept on any property in the Borough.

M. Sale of Honey. The sale of honey must comply with state and federal laws and regulations.

SECTION 4. Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows by adding the following new Section 2-311:

§2-311. Chickens.

A. Chickens Permitted; Roosters Prohibited.

- i. No residence shall contain at any one time more than four hens over the age of 1 month.
 1. In the case of two-family dwellings, conversion dwellings, or multi-family dwellings without individually owned backyards, the maximum number of hens allowed is four per property.
- ii. Chickens shall be permitted only in the R-1, R-2 and R-3 zoning districts.
- iii. No person shall keep or harbor any rooster within the Borough.

B. Definitions.

Chicken Run: An enclosed area in which chickens are allowed to walk and run about.

Coop: a small building for housing poultry.

C. Permits.

- i. No person may own, keep, or harbor any chickens within the Borough without first obtaining a permit from the Borough Zoning Officer. An application for a permit shall be made in writing and on such forms 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.
- ii. No person shall erect, alter, relocate, or expand a coop without first obtaining a zoning permit from the Borough Zoning Officer. The issuance of a zoning permit shall not obviate the necessity for compliance with all other Borough Ordinances, including, but not limited to, Chapter 27 of the Forest Hills Borough Code of Ordinances, "Zoning", or, if applicable, Chapter 5 of the Forest Hills Borough Code of Ordinances, "Code Enforcement". Non-property owners that wish to

keep chickens 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 chickens on the subject property. Such written permission shall be supplied to the Borough as part of the annual chicken permit application.

- D. **Coops.** All chickens must be kept in a coop, chicken run, or fenced area at all times. During daylight hours, chickens may have access to outdoors via a chicken run. Chickens may also be allowed in a securely fenced yard if supervised so that they cannot stray beyond the premises on which they are secured. The chickens shall be secured within the coop during non-daylight hours.
- i. Coops and chicken runs shall be located at least 25 feet away from a doorway, opening or window of an occupied dwelling other than that of the property owner.
 - ii. The minimum coop shall be solid, vermin and predator proof and shall provide at least three (3) square feet of area per chicken.
 - iii. The chicken run shall be adequately fenced to contain the chickens on the property and to prevent predators from gaining access to the chicken run.
 - iv. Coops shall be enclosed on all sides, and shall have a roof and doors. Access doors must be able to be shut and locked at night. Openings, windows, and vents must be covered with vermin, predator and bird-proof wire of one-half (1/2) inch hardware cloth.
 - i. Materials used for making a coop shall be uniform for each element of the enclosure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or opening are constructed using the same materials. The use of scrap, waste board, or similar material is prohibited.
 - ii. The coop shall be painted or stained; the color shall be uniform around the coop and shall be in harmony with the surrounding area.
 - v. Coops and chicken runs shall be designed to provide safe and healthy living conditions for the chickens and shall provide shade in the warm weather, suitable protection from inclement weather, and adequate ventilation.
 - vi. Coops and chicken runs shall be kept in good repair and must be capable of being maintained in a clean and sanitary condition, free of vermin and obnoxious odors.
 - vii. Coops and chicken runs must reasonably prevent the chickens from running at large. Chickens will be considered running at large within the meaning of this Section when off the permit holder's premises.
 - viii. Coops and chicken runs shall be open at all times for inspection by the Borough.
- E. **Feed and Water.** Chickens shall be provided with access to feed and clean water at all times. All feed, water, and other such items associated with the keeping of chickens shall be properly stored in a clean and sanitary manner so as to prevent the infestation of rats, mice, or other rodents or vectors.
- F. **Nuisance.** No person shall keep or harbor chickens in the Borough in a manner that creates an offensive odor, excessive noise, or unsanitary conditions which disturb neighboring residences or threatens public health. Chickens running at large shall be considered a public nuisance.
- G. **Veterinary Care.** All chickens shall be afforded veterinary care if they are known or suspected to be sick or injured.
- H. **Slaughtering.** No person shall slaughter or butcher any chicken within the Borough.

- I. **Waste Storing and Removal.** All chicken droppings shall be disposed of pursuant to §2-308 of this Part.
- J. **Composting.** It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the Borough any chicken manure. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens or yards.
- K. **Sale of Chicken Parts or Eggs.** Any sale of chicken parts or eggs must comply with state and federal laws and regulations.

SECTION 5. Section 2-311 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text and delete the stricken text:

§2-3112. Parent or Guardian Responsible for Minor.

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SECTION 6. Section 2-312 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text and delete the stricken text:

§2-3123. Enforcement.

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SECTION 7. Section 2-313 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text and delete the stricken text:

§2-3134. Complaints.

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SECTION 8. Section 2-314 of Chapter 2 of the Forest Hills Borough Code of Ordinances, Animals, is amended as follows to insert the underlined text and delete the stricken text:

§2-3145. Penalties.

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SECTION 9. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 10. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this 19th day of June 2013, by the Council of the Borough of Forest Hills in lawful session, duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS



 Steven J. Morus
 Borough Manager/Secretary
 (SEAL)



 Steve Karas
 President, Borough Council

EXAMINED and **APPROVED** this 19th day of June 2013.



 Marty B. O'Malley
 Mayor