

LOCAL LAW NO. __ of 2020

A Local Law known and cited as Amendment to Town of Ossining Zoning Code to Allow and Regulate Beekeeping

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Purpose and Intent. It has come to the attention of the Town Board that there are certain properties in the unincorporated Town that are engaged in beekeeping activities even though beekeeping is not currently permitted in the Town. The Town Board recognizes that while beekeeping can be a beneficial activity and desires to allow beekeeping within the Town, it must be adequately regulated to ensure there will not be adverse impacts to the residents or the environment.

SECTION 2. Be it enacted by the Town Board of the Town of Ossining as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

SECTION 3. Amending Existing Provision. Town Code Chapter 200 (entitled “Zoning”), Article V (entitled “Supplementary Regulations”), Section 26 (entitled “Animals”) of the Town Code is hereby amended as follows:

A. In any residence district, the following animals may be harbored, kept and/or raised for the sole benefit and use of the occupants of the principal dwelling only, as an accessory use to a principal use:

(1) Dogs, cats and similar small animals usually maintained as household pets within the principal dwelling and rabbits, poultry and similar small domestic animals, occasionally maintained as pets but usually maintained outside of a residence as farm animals, provided that there shall be a maximum of four such animals over the age of six months on lots of 1/4 acre or more and a maximum of two such animals over the age of six months on lots less than 1/4 acre.

(2) On parcels of two acres or more, by special permit issued by the Zoning Board of Appeals in accordance with the provisions of Article IX:

(a) More than four dogs, cats, rabbits, poultry and other similar animals over the age of six months; and

(b) Provided that the number thereof shall not exceed the following per acre, in any combination thereof: one horse, one cow, one steer or six sheep. For such animals there may be a barn, shed or corral not less than 50 feet from any side or rear lot line and not less than 100 feet from any street line.

B. Bees. In any zoning district, the keeping of bees, shall be permitted by permit through the Town Clerk’s Office by permit and issued by the Building Inspector or designee, subject to following the rules and regulations:

1) **Hive registration.**

a. **All honeybee colonies shall have their location and number of hives registered annually with the Town of Ossining by the beekeeper according**

to terms and conditions set forth by the Town Board including establishing a fee structure and permitting process.

- b. The purposes of such registration being to maintain a record of the number and location of each apiary, to obtain the most current contact and credential/education information in connection with each beekeeper and to obtain a certification from each beekeeper acknowledging receipt of a copy of this article and the most current rules and regulations that may be promulgated pursuant to this section. A beekeeper shall provide the Town any updates to the information contained in the annual registration within 10 days of any change, including but not limited to the abandonment or change in location of any apiary
- 2) Hive type. All bee colonies shall be kept in appropriately sized, designed and maintained apiaries with removable frames, Langstroth type or the equivalent, which shall be kept and maintained at all times in sound and usable condition.
- 3) Colony location.
 - a. No apiaries are permitted in the required front yard setback.
 - b. A dimensioned sketch showing location and distances on the plot as well as other parameters identified in Section B shall be included with the permit.
- 4) Control barrier.
 - a. The beekeeper must establish a flyaway barrier adjacent to hives controlling the bee flight path away from the property. It can be solid, vegetative or any combination of the two that forces the bee's flight path in a desired direction.
- 5) Food. Each beekeeper shall ensure that a convenient source (within apiary property area and near the hive or hives) of food that consists of a r native pollinator species is provided for the hive or hives. They plants shall consist of a variety of pollinator species that will provide blooms throughout the growing season.
- 6) Water. Each beekeeper shall ensure that a convenient source (within apiary property area and near the hive or hives) of water is available to the bees in sufficient quantity as a function of number of hives, specifically at any time during the year when temperatures are regularly 50° F or higher and the bees are active.
- 7) Purchasing and keeping of bees and queens; honeybee genetics and defensive behavior.
 - a. Beekeepers pursuing the purchase and keeping of bees must be mindful of honeybee genetics and defensive honeybee behavior. Thus, before the purchase of bee packages or queen bees, whether to start, replace or maintain colonies, beekeepers must act responsibly to limit the spread of Africanized (defensive) and any other undesirable bee genetics. Accordingly, every effort should be made to utilize bees or queens from New York native bee species or honeybee species to limit the spread of the Africanized bee genetics. Applicants should include documentation with the permit to verify apiary origin of mated queens and packaged bees, including the seller's contact information.
 - b. Any colony of honeybees exhibiting defensive or angry behavior must be addressed immediately. The beekeeper will make every effort to minimize

colony disruption after the defensive or angry behavior determination. The beekeeper will also use good practices to minimize/prevent a defensive colony swarming. Beekeepers must engage in all appropriate best practices to avoid creating a Beekeeping-related nuisance. Guidance concerning examples of "nuisance" activity in the field of beekeeping, including the following illustrative, as opposed to comprehensive, list:

- i. Bees from bee colonies that injure or threaten injury to persons, domestic pets, or property;**
 - ii. The presence of bees from bee colonies on neighboring or nearby properties in significant quantities;**
 - iii. Bees from bee colonies that engage in aggressive, swarming or similarly objectionable behavior;**
 - iv. A bee colony housed in an apiary which is placed so that the apiary or bee movement to/from such apiary unreasonably interferes with pedestrian traffic or persons residing on or adjacent to the property upon which such apiary is located;**
 - v. An apiary which is overcrowded, diseased, abandoned or maintained in any condition or location where the bee colony cannot thrive.**
- c. All existing and new apiaries will meet the required colony density. All existing and new colonies will be managed to meet the spirit and intent of these provisions, in the judgement of the Building Inspector or their designee, who retain the authority to revoke the beekeeping permit if these standards are not met.**
- 8) Absence. The beekeeper shall maintain a log on site recording significant hive activities (such as disease infestation). If the beekeeper does not reside on the property, or plans to be away, he/she or a knowledgeable representative shall be available to visit during the months of higher bee activity. The beekeeper shall provide contact information in case of an emergency.**
- 9) Use secondary, accessory and incidental to residential zoning districts. Irrespective of whether a lot upon which beekeeping is proposed is improved by a dwelling or not, beekeeping as permitted herein is to be considered secondary, accessory and incidental to the underlying potential residential use, as contrasted with a commercial use. Factors to be considered in determining whether the use is secondary, accessory and incidental, versus commercial, include the following:**
- a. That processing, bottling, labelling, shipping, or sale on site shall be limited to the product of the bees on site. Honey produced offsite shall not be brought on site for sale or distribution.**

SECTION 4. Amending Existing Provision. Town Code Chapter 200 (entitled “Zoning”), Article XIII (entitled “Definitions and Interpretation”), Section 53 (entitled “Definitions”) of the Town Code is hereby amended to add the following definitions:

APIARY — A hive or hive-like structure having removable frames specifically designed, constructed and maintained for purposes of housing a bee colony.

BEE — Any life stage of the common, domestic, nonaggressive honey bee, Apis mellifera species.

BEE COLONY — An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey, and the receptacle inhabited by the bees within an apiary.

BEEKEEPER — A hobbyist who is an owner of and responsible for one or more bee colonies in an apiary or multiple apiaries.

BEEKEEPING — Practices associated with the keeping, operation, harboring and/or maintenance of a bee colony or colonies by a beekeeper.

SECTION 4. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 5. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING