

LOCAL LAW NO. 1 OF 2018
VILLAGE OF MONTEBELLO
STATE OF NEW YORK

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BE IT ENACTED, by the Village Board of the Village of Montebello Local Law No. 1 of 2018 Entitled: "Amending the Village Code to Permit and Regulate Beekeeping" as follows:

Section 1. Add Chapter 52 to the Village Code as follows:

Section 2. Intent: Beekeeping is not listed as a permitted use in the Village Code in any Zoning District within the Village of Montebello, whether as of right or by special permit. Hence, under the Village Code such is not allowed since any use not mentioned is construed to be precluded. However, there appears to be increased interest within the Village to permit beekeeping as a positive benefit given the necessary impact of bees in pollinating plants, especially given concern for the last decade that there has been a decline in the naturally occurring bee population. With this recognition also comes the recognition that allowing such a use requires the adoption of controls regulating the activity such that all persons keeping honey bees (*Apis mellifera*) must follow same and associated agreed practices to ensure safe, healthy beekeeping, and to avoid aggressive or objectionable bee behaviors, and hive placement or bee movement that interferes with pedestrian and vehicular traffic or persons residing on or adjacent to the hive premises. Such controls overcrowding and also is intended to avoid diseased or abandoned hives.

Section 3. Beekeeping shall be permitted in the ER-80, RR-50, R-35 and R-25 Zoning Districts by permit to be reviewed and issued by the Building Inspector or Village Engineer or designee, subject to following the rules and regulations:

- a) Hive Registration. All honeybee colonies shall have their location and number of hives registered annually with the Village of Montebello by the beekeeper according to terms and conditions of regulations set forth herein, and as later established by the Village Board by resolution, including establishing a fee structure and supplemental regulations
- b) Hive Type. All honeybee colonies shall be kept in hives with removable frames, Langstroth type or the equivalent, a maximum of 10 frames per box, or equivalent, to control total bee density (or five frames or equivalent for a nucleus colony defined as a hive with a queen installed at the discretion of the beekeeper to better facilitate the health and vitality of the entire bee colony), such box to allow disassembly for complete internal hive inspection at all times, by the Building Inspector, Village Engineer, Village designee, Department of Health or the Department of Agriculture, or any governmental agency with jurisdiction.
- c) Site colony density.
 - (1) Irrespective the zoning district, in no event shall hives be kept on a lot smaller than 20,000 square feet.

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(2) A maximum of two colonies (each consisting of no more than five, stacked hive boxes, each with a maximum of ten Langstroth type frames or equivalent, for a total maximum of 100 frames, or equivalent and a nucleus colony, consisting of a maximum of two stacked hive boxes of five Langstroth type frames in each, or a total of 110 frames, or equivalent, shall be permitted on a lot up to 35,000 square feet. Between 35,000 and up to 45,000 square feet, up to four colonies and two nucleus colonies shall be permitted. Over 45,000 square feet and up to 80,000 square feet, up to six colonies and three nucleus colonies shall be permitted. Above 80,000 square feet, a maximum of eight colonies and four nucleus colonies shall be permitted. Should a hive swarm, the way bees naturally indicate that a hive is too small, the beekeeper may add a hive to accommodate same, or adjust the hives, up to the maximum number of hives permitted on the subject lot. [Note: overall presumed bee density shall control, it being understood that the above box density pertains to the type of hive frames being utilized]

(3) The above is intended to control overall colony site density as measured by total frames (Langstroth type or equivalent). For example, a site permitted four colonies and two nucleus colonies, shall have no more than 210 frames, Langstroth type or equivalent (eg., $2 \times 2 \times 5 \times 10 + 2 \times 5 = 210$).

- d) Should hives swarm the beekeeper may add a temporary hive(s) to accommodate the same. If this exceeds the maximum permitted site density, the hives must be merged during the permitted year to an allowed density.
1. In no event will the overwintering of colonies exceeding the maximum total allowed be permitted.
 2. Should the beekeeper use the “artificial swarm method” to prevent a swarm, meaning the beekeeper adds a temporary hive(s), if such then exceeded maximum colony density, all splits to prevent swarming must be merged with existing colonies during the permitted year to return to the maximum density.
- e) Colony location. All colonies must be located at least 75 feet from a public sidewalk, alley, street or road, and at least 25 feet from a side or rear lot line. All colony entrances shall face inward to the site and away from the nearest adjacent property boundaries. A dimensioned sketch showing location and other parameters and distances on the plot shall be included with the application, as more particularly explained therein.
- f) Control barrier.
- (1) The beekeeper must establish a flyaway barrier adjacent to hives controlling the bee flight path away from the property. This should be at least six feet tall and extend 15 feet beyond the colony on each boundary side. It can be solid, vegetative or any combination of the two that forces the bee’s flight path along the property line at a height of six feet or more.

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(2) A substantial labeled barrier must also be erected of approximately four feet in height sufficient to restrict access by people or animals and to warn people and children from coming in close contact with the hives without supervision. This barrier can be placed inside or outside the flyway barrier, but in no event shall it be so close to the hives that they can be readily reached by a person standing nearby, outside the barrier, and stretching across the same.

g) Purchasing and keeping of bees and queens; honey bee genetics and defensive behavior.

(1) Beekeepers pursuing the purchase and keeping of bees, must be mindful of honey bee genetics and defensive honey bee 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 northern apiaries to limit the spread of the Africanized bee genetics. Applicants should include documentation to verify apiary origin of mated queens and packaged bees, including the seller's contact information.

(2) Any colony of honey bees exhibiting defensive or angry behavior must be re-queened 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.

(3) 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, Village Engineer or Village designee, who retain the authority to cancel the beekeeping permit if these standards are not met. In such an event if in disagreement the beekeeper shall have thirty (30) days to appeal said cancellation to the Zoning Board of Appeals.

h) Water. Each beekeeper shall ensure that a convenient source (within colony 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.

i) 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 visit same no less frequently than approximately weekly during the months of higher bee activity, and approximately bi-monthly at other times except if specific circumstances necessitate more frequent attention. The beekeeper shall provide contact information in case of an emergency. The on-site log shall reflect having

met this regulation, and shall be made available for review by the Village or any person with authority to inspect the hives.

- (j) Inspection. The Village of Montebello, or its designee, and/or the Rockland County Health Department or the Town of Ramapo Police Department or any governmental agency with a need relevant to its jurisdiction, shall have the right to inspect the beehives at any time, with 24 hours' notice if practicable. However, in an emergency, notice shall be given to the extent practicable in the circumstance in the judgement of the Village, the Health Department or the Police Department, or agency. Failure to maintain the colony in a safe and secure manner can lead to revocation of the permit and/or a shutdown order, including hive removal at the owner's expense by or on behalf of the Village, which may be appealed within 30 days to the Zoning Board of Appeals.

Section 4. By authority of Municipal Home Rule Law § 20 Subdivision 5, to be effective upon filing with the Secretary of State.

As amended per General Code

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