

*BEE'S
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AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 22, 2013

GENERAL ORDINANCE

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING CHAPTER 65 "ANIMALS AND DOGS" OF THE YONKERS CITY CODE TO ALLOW RESIDENTS TO MAINTAIN BEES FOR THE PURPOSE OF DOMESTIC HONEY HARVESTING.

The City of Yonkers, in City Council convened, hereby ordains and enacts the following amendments:

1. ZONING ORDINANCE AMENDMENTS:

Table 43-1 "Schedule of Use Regulations" "Residential Accessory Uses"
Amend to include "bees" (Attached)

B. § 43-8 of the Code of the City of Yonkers entitled "Definition of Terms" is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BEES:

The term "bee" shall mean any solitary or social species of insect of the super family apoidea, in the order hymenoptera, that is winged, hairy-bodied, contains multiple mouth organs that are used for gathering nectar and pollen and usually possesses a venomous apparatus or organ used for stinging; provided, however, that such term shall not include any wasp, ant, ichneumon fly, sawfly, gall wasp, African bee or any other poisonous bee.

BEEKEEPING EQUIPMENT

The term "beekeeping equipment shall mean anything used to aid the keeping of honey bees for the purpose of domestic honey harvesting, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY

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GENERAL ORDINANCE (CONTINUED)

The term "colony" shall mean an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

HIVE

The term "hive" shall mean the receptacle inhabited by a colony that is manufactured for that purpose.

B. § 43-41 of the Code of the City of Yonkers entitled "Supplemental regulations for certain accessory residential uses and structures" is hereby amended in part by the addition of a new subsection entitled "beekeeping" to be placed in alphabetical order within the section:

"Beekeeping"

No person shall keep, cause or allow to be kept on, in or about any premises or property bees as defined in § 43-8, except as hereinafter provided:

1. It shall be lawful to keep honey bees (*Apis Mellifera*) for purposes of domestic honey harvesting
2. It shall be unlawful to keep bees for commercial purposes on residential property.
3. Keeping of bees as provided for in 1 and 2 above is permitted on residential, mixed use or institutional properties provided that bees may be kept in such dwellings having sought and obtained permission of the owner or landlord or any such body or person that oversees/administers the property.

2. ANIMAL AND DOGS AMENDMENTS:

B. § 65-1 of the Code of the City of Yonkers entitled "Definitions" is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BEES:

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B. § 65 of the Code of the City of Yonkers shall hereby be amended to include new subsections 27; 28 and 29:

§ 65-27. Standards of practice

Persons keeping honey bees shall file a notice with the City Clerk, on a form provided or approved by the City Clerk, containing the beekeeper's name, address, telephone, e-mail, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information.

Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and

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able condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance; and shall be able to respond immediately to control bee swarms and to remedy nuisance conditions; and

1. Persons keeping honeybees will be permitted a maximum of four hives per acre pro rata with no maximum of fewer than two hives regardless of lot size.
2. No hive shall be located closer than fifteen (15) feet from any property line and no hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
3. A constant supply of water shall be provided for all hives.
4. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within fifteen (15) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

§ 65-28. Beekeepers Permit

All beekeepers shall be required to be licensed. A beekeepers license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date. A license shall be issued only upon compliance with the applicable provisions of this chapter, including payment of an annual fee of twenty five dollars (\$25.00). Upon expiration of a beekeepers permit, a bee keeper may reapply for a new permit.

Beekeepers must notify adjacent property owners within 50 feet (including those across the street from a proposed beehive) and tenants via certified mail or obtain written consent. Consent shall be deemed if there are no objections made to the City Clerk within 30 days.

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There shall be no more than 24 active permits during the first two years within the City of Yonkers. After the first two years, based on the experience, the Council may reconsider the number of permits available. No new permits will be issued until the City Council votes to reauthorize the legislation but existing permits may be renewed.

§ 65-29. Penalties

Failure to properly obtain a bee keepers permit pursuant to § 65-28 within five days of owning or acquiring bees which is required to be licensed shall be a Class II offense.

A person who willfully or recklessly violates any provision of this chapter, which violation causes physical injury to any person, shall be punishable as a Class I offense.

3. This Ordinance shall take effect immediately.