

LOCAL LAW NO. 2-2014

~~Revisions to Chapter 75 Animals~~+to Require Apiary Registration+

A LOCAL LAW amending Chapter 75 of the Village Code of the Village of Ossining entitled ~~Animals~~+ to provide for an annual registration requirement of all apiaries (beehives) within the boundaries of the Village of Ossining.

BE IT ENACTED by the Board of Trustees of the Village of Ossining, as follows:

Section 1. Chapter 75 ~~Animals~~+ is hereby amended as follows with new matter underlined and deleted matter in [brackets]:

ARTICLE I
General Provisions

§ 75-1. Definitions.

As used in this article, the following words shall have the indicated meanings, unless the context clearly indicates otherwise:

AGRICULTURAL USE

Activities carried out on a property for the purpose of producing farm-related commodities for sale and profit, including but not limited to the raising of livestock and harvesting of crops and animal by-products.

NON-COMMERICAL AGRICULTURAL USE

Activities carried out on a property for non-commercial production of farm-related commodities without the intention of producing such commodities for subsequent commercial sale.

ANIMAL

Any dog, cat, [pigeon and other fowl] ~~bird~~, [as well as all domestic animals and pets], or other creature primarily quartered in or out of doors by its owner, as well as any bee colony maintained in an apiary.

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, non-aggressive honey bee, *Apis mellifera* species.

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.

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.

DOMESTIC PET

Any domesticated, non-wild animal or non-livestock animal quartered within or at the residence of the owner and kept for non-agricultural purposes as a household pet.

OWNER

Any one or more persons, corporations, partnerships, associations or any entity capable of being sued or prosecuted who or which owns, or has custody of a minor owning, any animal.

§ 75-2. [Domestic animals other than dogs and cats; permit required; fee.] Animals permitted

- A. No person shall keep or harbor within the corporate limits of the Village any [live chicken, duck, fowl, pigeon or poultry, rabbit, hare or other domestic] animal for agricultural or non-agricultural uses except the following:[, except dogs and cats, without first obtaining a permit therefor from the Board of Trustees.]
1. Any Animal classifiable as a Domestic Pet as set forth in §75-1.
 2. A Bee Colony, subject to the provisions of this Chapter and any rules and regulations that may be promulgated by the Village in furtherance of this Chapter, and as may be amended from time to time.
- B. [A fee set from time to time by the Board of Trustees.] No person shall keep or harbor within the corporate limits of the Village any animal not among those permitted in subsection 75-2(A).

§ 75-3. [Penning requirements; sanitation.] Requirements for Beekeeping.

[Animals and fowl for which a permit is required by § 75-2 shall be securely kept in a run, yard or other structure in a sanitary condition and free from offensive odors and so constructed and maintained so as to prevent the same from straying upon adjacent property or upon any public highway, alley or street within the Village.]

It shall be the duty of every Beekeeper: (a) to be educated in and strictly adhere to best management practices; (b) to maintain Bees, Bee Colonies and Apiaries in a location and condition that will prevent diseases, abandonment of the Apiary by the Bee Colony and swarming and discourage the potential for aggressive behavior and other nuisance behaviors, including but not limited to those defined in this Chapter; and (c) to be able to respond immediately to control bee swarms and to remediate any nuisance conditions.

The Village may promulgate, and may amend from time to time, rules and regulations as may be deemed appropriate in furtherance of this Chapter with such rules and regulations being made available at the Office of the Village Clerk and on the Village website. At a minimum, the Village shall include the following items in such rules and regulations:

- A. All Bee Colonies shall be kept in appropriately sized, designed and maintained Apiaries with removable frames, which shall be kept and maintained at all times in sound and usable condition.
- B. Each Apiary shall be labeled by the Beekeeper with the name and contact information of the responsible beekeeper and alternate emergency contact information, which information shall be visible from a distance of no less than 15 feet from the Apiary.
- C. An independent and reliable source of water shall be provided on the property housing the bee colony within a reasonable distance from the Apiary in order to encourage use by the Bee Colony.
- D. An appropriate flight barrier shall be located in proximity to the entrance of the hive to encourage an upward flight pattern for all Bees in the Bee Colony as they enter and depart the Apiary.
- E. Guidance concerning examples of "nuisance" activity in the field of Beekeeping, including the following illustrative, as opposed to comprehensive, list:
 - 1. Bees from Bee Colonies that injure or threaten injury to persons, Domestic Pets, or property;
 - 2. The presence of Bees from Bee Colonies on neighboring or nearby properties in significant quantities, except that behavior necessary to the routine foraging for pollen by Bees shall not constitute *per se* nuisance behavior;
 - 3. Bees from Bee Colonies that engage in aggressive, swarming or similarly objectionable behavior;
 - 4. 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;
 - 5. An Apiary which is overcrowded, diseased, abandoned or maintained in any condition or location where the Bee Colony cannot thrive.

§75-4 Bee Colony Registration

All Apiaries shall be registered annually with the Village on forms provided or approved by the Village; 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 Chapter and the most current rules and regulations that may be promulgated pursuant to this Chapter. A Beekeeper shall provide to the Village 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.

§ 75-[4]5. Restraint of animals required.

It shall be the duty and responsibility of every owner of any animal to exercise and maintain such care and control over such animal so that such animal does not become a nuisance, such as as set forth in § 75-[5]6, within the confines of the Village.

§ 75-[5]6. Nuisances.

A. Cats. A cat shall become a nuisance whenever it shall, within the confines of the Village:

- (1) Injure or threaten injury to persons or other domestic animals or birds;
- (2) Injure property, including lawns, flowers, shrubs and trees;
- (3) Upset or otherwise interfere with garbage receptacles;
- (4) Be found in any commercial establishment without the consent or permission of the owner thereof; or
- (5) Be kept or placed by its owner under cruel, unsanitary or abandoned or otherwise inhumane conditions.

B. Dogs. A dog shall become and constitute a nuisance whenever it shall, within the confines of the Village:

- (1) Be present in or on any school or park property;
- (2) Chase or run at persons, motor vehicles, motorcycles or bicycles upon any public highway or public place;
- (3) Disturb the peace, comfort and quiet of the neighborhood by barking, whining, howling or fighting; or
- (4) Commit any of the acts or be found in any of the conditions described in Subsection A(1) through (5).

C. [Fowl. Any fowl shall become and constitute a nuisance within the confines of the Village if found upon property other than that of its owner.] Other Domestic Pets or Animals. Any other Domestic Pet or Animal shall become and constitute a nuisance within the confines of the Village upon committing any of the acts or found in any of the conditions described in Subsections A(1) through (5) and B (1) through (5).

§75-7 Fighting Animals Prohibited

No owner shall be permitted to breed or house dogs, birds, or any other animals intended for use or used for any fighting purpose.

§ 75-[6]8. Notice to owner to prevent.

Upon complaint to the Police Department of the Village by any person claiming that he or she or a member of his or her household has been injured or threatened with injury by any animal as specified in § 75-[5]6, or upon complaint by any person, including police officers, who has witnessed the commission by any animal of any of the nuisances described in such section, the complaint shall be promptly recorded and the owner of such animal advised, in person, of such complaint and demand that he or she either confine such animal or take such steps as may be necessary to prevent a recurrence of such offense.

§ 75-[7]9. Penalties for offenses.

Any person violating any provision of this article shall, after notice as provided in § 75-[6]8 and upon conviction thereof, be subject to punishment as provided in Chapter 1, General Provisions, Article III, General Penalty.

**ARTICLE II
Dog Control**

§ 75-[8]10. Short title.

§ 75-[9]11. Legislative intent.

§ 75-[10]12. Definitions.

§ 75-[11]13. Animal Control Officer.

§ 75-[12]14. Licensing.

§ 75-[13]15. Impoundment fees.

§ 75-[14]16. Running at large prohibited; exceptions.

§ 75-[15]17. Penalties for offenses.

**ARTICLE III
Canine Waste**

§ 75-[16]18. Intent.

§ 75-[17]19. Commission of nuisances prohibited.

§ 75-[18]20. Exceptions; removal required.

§ 75-[19]21. Penalties for offenses.

§ 75-[20]22. Enforcement.

Section 2. Except as otherwise provided herein, all other provisions of Chapter 75
%Animals+shall remain the same.

Section 3. This Local Law shall take effect immediately upon publication, filing and
posting as required by law.