

BOROUGH OF ST. LAWRENCE
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 433

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE KEEPING OF ANIMALS, BEES, AND LIVESTOCK IN THE BOROUGH; PROHIBITING THE KEEPING OF WILD ANIMALS IN THE BOROUGH; AND PROVIDING PENALTIES FOR VIOLATION

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- (a) Africanized Honeybee. Hybrids of the African honeybee with various European honeybees that are aggressive compared to the European subspecies.
- (b) Animal. Any living member of the animal kingdom, excluding humans.
- (c) Apiary. Any place where one (1) or more Colonies or nuclei of Bees are kept.
- (d) Bee. Any stage of the common honeybee (*Apis mellifera*) or other species of the genus *Apis*.
- (e) Beekeeper. An owner of an Apiary or a Person who has charge of an Apiary or one (1) or more colonies of Bees in the Borough.
- (f) 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.
- (g) Best Management Practices. The policies, procedures and methods contained in the Pennsylvania Department of Agriculture's Compliance Agreement for Beekeepers.
- (h) Borough. The Borough of St. Lawrence, Berks County, Pennsylvania.
- (i) Brood. The embryo and egg, larva, and pupa stages of a Bee.

(j) Cattle. Large ruminant animals with horns and cloven hoofs, domesticated for meat or milk or as working animals, including but not limited to cows, bulls, steers, oxen, yak, bison, and buffalo.

(k) Colony. An aggregate of Bees consisting principally of workers, but having, when perfect, one (1) queen and at times many drones.

(l) Comb. The assemblage of cells containing a living stage of a Bee at a time prior to emergence as an adult.

(m) Department. The Pennsylvania Department of Agriculture.

(n) Farm. An area of land and its buildings used for growing crops and/or rearing animals, typically under the control of one (1) owner or manager.

(o) Flyway. A barrier composed of dense vegetation or man-made materials which directs Bees quickly into the sky.

(p) Fowl. Domesticated breeds/varieties of chickens, roosters; quail; pheasant; pigeons; doves and ducks.

(q) Hive. A container intended for the housing of a Colony of Bees.

(r) Livestock. Farm animals kept and utilized for household or business purposes.

(s) Person. Any person, firm, partnership, association, corporation or other entity.

(t) Single-Family Dwelling. A Single-family Attached Dwelling, a Single-Family Detached Dwelling or a Single-Family Semi-Detached Dwelling, each as defined in the Borough Zoning Ordinance, as amended from time to time.

(u) Wild Animal. Any animal not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate, and not generally capable of being kept as a household pet.

Section 2. General Animal Keeping Regulations. Except as provided in this Ordinance, no Person shall import into the Borough, possess, display, offer for sale, trade, barter, exchange or adoption, or give as a household pet to any Person to be maintained within the Borough any Animal except the following, which require the providing of adequate housing and proper care:

- (a) domestic dogs, excluding hybrids with wolves, coyotes, or jackals;
- (b) domestic cats, excluding hybrids with ocelots or margays;
- (c) domesticated rodents;

- (d) captive-bred species of common cage birds;
- (e) nonpoisonous snakes under six feet (6') in total length;
- (f) fish;
- (g) small reptiles, including turtles and lizards;
- (h) small amphibians, including newts, frogs and salamanders, traditionally kept in the home for pleasure rather than for commercial purposes;
- (i) Carrier Pigeons and Racing Pigeons, when kept in compliance with permit requirements;
- (j) domesticated rabbits;
- (l) Bees, when kept in compliance with permit requirements;

Section 3. General Standards.

(a) Each Person responsible for keeping an Animal in the Borough shall reside on or adjacent to the designated site on which the Animal is kept. The Person keeping the Animal must be the owner or permitted lessee of the site where the Animal is kept.

(b) Certain animals prohibited. It shall be unlawful for any person to keep or maintain Wild Animals, or to maintain coops, pens, kennels, stables, or other accommodations for Wild Animals.

(c) Except on a property which is designated by the Borough as a Farm, or on a property for which there is a Zoning Permit allowing the keeping of specific species of Animal(s), it shall be unlawful for any person to keep or maintain Livestock in the Borough, including but not limited to:

- i) pigs, other than those specifically bred as household pets;
- ii) hogs or swine;
- iii) Cattle;
- iv) sheep;
- v) llamas or alpacas;
- vi) goats;
- vii) fowl; and/or

ix) large, non-caged birds, such as ostriches or peacocks.

(d) In addition to the applicable provisions contained in this Ordinance, each Person keeping an Animal in the Borough shall comply with all other applicable Ordinances of the Borough of St. Lawrence, the Borough Code of the Commonwealth of Pennsylvania and all other State and Federal laws, statutes, rules and regulations, as amended from time to time.

Section 4. Housing Types Allowed.

(a) Single-family Dwelling. All single-family Dwellings shall be permitted to keep all Animals permitted to be kept pursuant to Section 2 of this Ordinance.

(b) All residential housing units which are not Single-family Dwellings are limited solely to the keeping of the following Animal types:

- (1) domestic dogs, excluding hybrids with wolves, coyotes or jackals;
- (2) domestic cats, excluding hybrids with ocelots or margays;
- (3) domesticated rodents;
- (4) captive-bred species of common cage birds;
- (5) nonpoisonous snakes under six feet (6') in length;
- (6) fish;
- (7) small reptiles, including turtles and lizards;
- (8) small amphibians, including newts, frogs and salamanders;
- (9) domesticated rabbits;

Section 5. Sanitation.

(a) Proper sanitation shall be maintained for each Animal at all times to prevent any condition which may be dangerous or detrimental to the health of the public or the Animal, or constitute a nuisance. Proper sanitation includes but is not limited to:

- (1) Disposing of Animal waste matter and not allowing it to accumulate, in accordance with Subsections (b) and (c) of this Section.
- (2) Ensuring odors resulting from each Animal are not detectable beyond property lines.

(3) Storing all Animal food in metal or other rodent-proof containers.

(4) Compost endeavors containing Animal waste matter shall be located at least five feet (5') from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies and other pests.

(b) Fecal Matter Deposited on Public and Private Property It shall hereafter be unlawful for any Person to permit any Animal owned by or under the custody, supervision or control of such Person to deposit fecal matter upon the public streets, alleys or sidewalks in the Borough or upon property of another, including the property of the Borough or of any school district, without immediately removing the same and disposing of the same in a sanitary manner.

(c) Fecal Matter Remaining on Personal Property. It shall be unlawful for any Person to permit fecal matter of any Animal owned by or under the custody, supervision or control of such Person to accumulate or remain on property owned or occupied by such Person for a period of twenty-four (24) hours without removing the same and disposing of the same in a sanitary manner.

Section 6. Bees.

(a) Bee Keeping. It shall be unlawful to keep any Bees in the Borough except as provided in this Section.

(b) Registration, Certification and Permits.

(1) No Beekeeper may own or maintain an Apiary within the Borough without first registering each Apiary with the Department, as required by the Pennsylvania Bee Law, 3 Pa. Cons. Stat. Ann. §2101 *et. seq.*, as amended.

(2) 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 from such revocation, if the Department revokes said Beekeeper's Best Management Certification.

(3) No Beekeeper may own or maintain an Apiary within the Borough without first obtaining an annual Beekeeper permit from the Borough Zoning Officer. An application for an annual Beekeeper permit shall be made in writing to the Borough upon such form or in such format as established by the Borough from time to time, and shall be accompanied by the prescribed Beekeeper permit fee in the amount established by Resolution of the Borough from time to time. The application shall be accompanied by a lot plan that includes the size of the lot, the location and number of each Hive, the location of each water source, the distance of each Hive 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.

(4) Non-property owners who wish to own or maintain an Apiary on property that the non-property owner is leasing must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own and maintain an Apiary on the subject property. Such written permission shall be supplied to the Borough as part of the annual Beekeeper permit application.

(c) Maximum Number of Colonies. For a property containing a minimum of two thousand (2,000) square feet of lot area, a Beekeeper is permitted to keep one (1) Hive. For every additional two thousand (2,000) square feet of lot area, the Beekeeper is permitted to keep one (1) additional Hive. No Hives may be kept on a property containing less than two thousand (2,000) square feet in lot area.

(d) Hive Type. No Beekeeper shall keep or maintain Bees in any Hive other than a Langstroth-type or Top Bar-type Hive with removable Combs and with adequate space in the Hive to prevent overcrowding and deter swarming.

(e) Location of Hives. The location of each Hive must comply with the following criteria:

(1) No Hive shall be located within ten feet (10') of any side or rear property line.

(2) No Hive shall be located within the front yard of a lot.

(3) No Hive shall be located within fifty feet (50') of a swimming pool or permanently kenneled Animal.

(4) Apiaries may be located only in the R-3 Suburban Residential District of the Borough..

(f) Hive Orientation. Hive entrances shall face away from neighboring properties 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 (6') at each property line. The use of barriers may be employed to redirect the Bees' flight pathway and establish Bee flight pathways above six feet (6'). Should the flight path not be able to be obtained as set forth in this Subsection, then a "Flyway barrier" shall be placed at least six feet (6') in height, shall be placed along the side of each Hive that contains the entrance to the Hive, shall be located within five feet (5') of the Hive, and shall extend at least two feet (2') on either side of the Hive. A "Flyway barrier" shall consist of a solid fence, dense vegetation, dense hedge, or combination thereof. No Flyway is required for a Hive that is located on a porch or balcony at least ten feet (10') above grade, except where such porch or balcony is located less than five feet (5') from a property line.

(g) 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 of each year and is located closer to the Apiary than any other water source.

(h) Best Management Practices. All Beekeepers owning or maintaining an Apiary in the Borough shall practice all best management practices as established by the Department from time to time.

(i) 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.

(j) Inspection. The Borough, the Department and any Apiary inspector appointed by the Borough shall have free access, ingress, and egress to and from each 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 any inspection.

(k) 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 any property 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 each Hives or Bee receptacle that is a public nuisance pursuant to this Ordinance without remuneration to the Beekeeper, and may charge the property owner and/or Beekeeper for all costs of the same, and lien the property for all costs incurred in removal, including reasonable attorney's fees for nonpayment of charges for removal. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Multiple Bee stinging, attacking, or otherwise molesting others, including but not limited to pedestrians, bicyclists, motor vehicle passengers and domestic animals;

(2) The use of any Apiary or receptacle for Bees that does not comply with Subsection (d) of this Section.

(3) Hive placement and related Bee movement such that any Bee, without provocation, interferes with the freedom of movement of any Person in a public right-of-way, or the location of Bees poses a threat to the general safety, health, and welfare of the general public.

(4) The keeping of any overcrowded, Bee Diseased or abandoned Hive.

(l) Prohibitions. Africanized Honeybees may not be kept on any property in the Borough.

(m) Sale of Honey. The sale of honey must comply with all State and Federal laws, statutes, rules and regulations..

Section 7. Animals at Large. It shall hereafter be unlawful for any Person to permit any Animal owned by or under the custody, supervision or control of such Person to be at large without controlled restraint either upon the public streets, alleys or sidewalks in the Borough or upon property of another, including the property of the Borough or of any school district.

Section 8. Sound or Noise by Animals. Owning, possessing, harboring, supervising or controlling any Animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for thirty (30) minutes or more to the disturbance of any Person at any time of the day or night, regardless of whether the Animal or bird is situated in or upon private property; provided, however, that at the time the Animal or bird is making such noise, no Person is trespassing or threatening to trespass upon private property in or upon which the Animal or bird is situated or for any other legitimate cause which teased or provoked the Animal or bird.

Section 9. Violation of State or Federal Law. Any violation of this Ordinance that would also violate any State or Federal law, statute, rule or regulation shall be prosecuted under such State or Federal law, statute, rule or regulation, as applicable, and not under this Part.

Section 10. Penalties. Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed Six Hundred Dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 11. Severability. If any provision, sentence, clause, section, subsection or portion of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, subsections or portions of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, subsection or portion thereof not been included herein.

Section 12. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

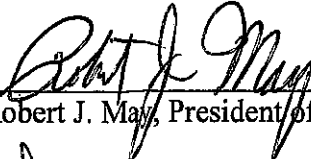
Section 13. This Ordinance shall become effective upon enactment.

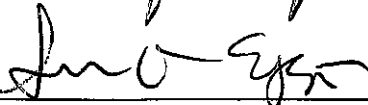
Section 14. All other Ordinances of the Borough of St. Lawrence, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance.

Section 15. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 13th day of August, 2015.

BOROUGH OF ST. LAWRENCE

By: 
Robert J. May, President of Council

Attest: 
Susan Eggert, Borough Secretary

Approved as an Ordinance this 13th day of August 2015:

By: 
Michael Fritz, Mayor

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Proof of Publication of Notice in Reading Eagle
Under Act No. 587, Approved May 16, 1929.

The Borough Council of the Borough of St. Lawrence will consider the adoption of an ordinance at its meeting on Thursday, August 13, 2015 at 7:30 p.m. at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, Pennsylvania 19606. A summary of the ordinance is as follows:

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 260, DATED MAY 10, 1984, ENTITLED "STREET OCCUPANCY ORDINANCE" TO AMEND SECTION 3 TITLED "PERMIT REQUIRED," TO REQUIRE THAT A STREET OPENING PERMIT BE OBTAINED, AND FEES PAID, WHERE THE PROPOSED STREET OPENING OR EXCAVATION IS IN AN INTERSECTION AREA CONTAINING TRAFFIC SIGNAL LOOPS; TO AMEND SECTION 4 TITLED "ADMINISTRATIVE REQUIREMENTS," TO ADD SUBSECTIONS IMPOSING PENALTIES FOR UNSATISFACTORY RESTORATION, AND PENALTIES FOR FAILURE TO UTILIZE "PA ONE CALL SYSTEM" AND MARK AREAS OF UNDERGROUND UTILITIES; TO AMEND SECTION 10.A THEREOF, ENTITLED "ENFORCEMENT" TO AUTHORIZE THE ASSESSMENT OF A PENALTY IN THE AMOUNT OF UP TO THREE (3) TIMES THE STREET OPENING PERMIT FEE THEN IN EFFECT, IN ADDITION TO REQUIRED FEES AND COSTS, IN THE EVENT OF NON-EMERGENCY STREET OPENING PRIOR TO PERMIT ISSUANCE; TO TREAT AS A SUMMARY CRIMINAL OFFENSE THE FAILURE TO PROPERLY RESTORE THE STREET, UTILIZE THE PA ONE CALL SYSTEM, AND PROCURE BOROUGH AUTHORIZATION PRIOR TO THE CLOSURE OF A STREET; AND TO AMEND ALL FEE SCHEDULES ADOPTED PURSUANT TO ORDINANCE NO. 260, AS AMENDED, AND RESOLUTIONS ADOPTED CONTAINING FEE SCHEDULES FOR PERMITS TO REFLECT THE ADDITIONAL PERMIT FEES REFLECTED HEREIN.

Copies of the full text of the ordinance may be examined without charge or obtained for a charge not greater than the cost thereof at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, PA 19606, at the Berks County Law Library, Berks County Courthouse, Sixth and Court Streets, Reading, PA 19601, and at the Reading Eagle-Times, 345 Penn Street, Reading, PA 19601.

Joan E. London, Esquire
Solicitor, Borough of St. Lawrence

Commonwealth of Pennsylvania,
County of Berks } SS:

Lynn Schittler, Assistant Secretary, READING EAGLE COMPANY, of the County and Commonwealth aforesaid, being duly sworn, deposes and says that the READING EAGLE established January 28, 1868 is a newspaper of general circulation published at 345 Penn Street, City of Reading, County and State aforesaid, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular edition and issues of the said READING EAGLE on the following dates, viz.:

Reading Eagle Thursday, July 30, 2015, A.D.

Affiant further deposes that this person is duly authorized by READING EAGLE COMPANY, a corporation, publisher of said READING EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place, character of publication are true.

Lynn Schittler
Lynn Schittler

Sworn to and subscribed before me on this day of July 30, 2015

Beverly J. Boyer
Notary

