

**AMENDED COPY AS OF 6/17/2021**

Intro. Res. No. 1344-2021

Laid on Table 5/11/2021

Introduced by Legislators Krupski, Anker, Hahn and Fleming

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW  
NO. -2021, A LOCAL LAW TO PRESERVE HONEY BEE  
COLONIES IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on May 11, 2021, a proposed local law entitled, "**A LOCAL LAW TO PRESERVE HONEY BEE COLONIES IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PRESERVE HONEY BEE COLONIES IN  
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that honey bees are a vital part of the ecosystem in Suffolk County.

This Legislature also finds and determines that honey bees act as pollinators, adding tremendous value to crop growth and food production.

This Legislature further finds and determines that honey bees can occupy portions of residential and commercial property as they temporarily swarm and become a nuisance to the occupants.

This Legislature finds that it is possible for exterminators and homeowners to eliminate honey bees with pesticide applications and other lethal means, effectively killing the hive or the swarm.

This Legislature also finds that relocation of honey bees is an eco-friendly option to remove the hive or the swarm without harming the bees, and maintaining the honey bee population in Suffolk County.

This Legislature further finds that the County should require all persons, including certified and licensed pesticide applicators and homeowners, to contact a beekeeper prior to any pesticide applications or other lethal remedy.

Therefore, the purpose of this law is to require the notification of a beekeeper prior to any pesticide application or other lethal means, unless such hives or swarms present an imminent danger to any person, or are in a structure.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

APPLICATOR - any person, operating in Suffolk County, who seeks to exterminate Bees, as defined herein, by application of pesticides on a commercial basis or as part of a business operation in Suffolk County.

BEE - members of the genus Apis species and all sub varieties, commonly known as Honey Bees.

BEEKEEPER - any person or entity, either in a commercial or private capacity, which engages in the breeding or keeping of Bee hives or colonies.

COLONY - an aggregate of the Bees, the hive, and associated equipment, including honeybees, comb, pollen, and brood.

HIVE - a structure where bees live, which is either constructed by humans or made by the bees themselves.

SWARM - a cluster of Bees who have left their colony or nest.

**Section 3. Preservation of Honey Bee Colonies.**

- A. Any person, including certified and licensed pesticide applicators and commercial pesticide applicators and operators operating in Suffolk County, shall contact a beekeeper by phone prior to the extermination of honey bees to obtain assistance in trying to relocate nuisance honey bee colonies or hanging swarms of honey bees, in lieu of destroying such honey bees immediately.
- B. The purpose of the Applicator's contact and consultation with the Beekeeper shall be to obtain advice or assistance in trying to relocate a nuisance Bee Colony or hanging Swarm, in lieu of immediate extermination of such Bees by pesticide application. When the Beekeeper is contacted, the Applicator shall seek advice to enable relocation of the Colony or Swarm in a manner which facilitates preservation of the Honey Bees, in the most effective and safest way possible.
- C. Any person, including certified and licensed pesticide applicators and commercial pesticide applicators and operators operating in Suffolk County shall indemnify and hold harmless the County of Suffolk in any action or proceeding arising out of the relocation and preservation of honey bees in accordance with the provisions of this law.

**Section 4. Exemptions.**

Section 3 of this law shall not apply under the following circumstances:

- A. The Swarm or Colony poses an imminent danger or hazard, or threat of same, to any individual person(s) or endangers public health and safety, as determined by the Applicator or the Beekeeper. This exemption shall require a determination by the Applicator or Beekeeper that:

1. The Swarm or Colony is overly defensive; or
  2. The Swarm or Colony poses an imminent danger to persons or property due to its presence within or in close proximity to a residence, commercial or institutional structure, other public gathering place or public right of way; or
  3. Other circumstances exist where the Bees constitute an imminent danger, hazard or threat to the health and safety of an individual or to public health and safety.
- B. When the owner of the property where the Swarm or Colony is located, the Swarm or Colony owner, the Applicator, or the Beekeeper is required to destroy and exterminate the Swarm or Colony by law, by court order, or by the administrative order or directive of a governmental authority.
- C. Bee swarms or Colonies are exterminated by a Beekeeper/owner in the course of customary and usual apiary or farm management activities, such as overwintering or as where extermination is necessitated in accordance with sound agricultural practices.
- D. Extermination by migratory Beekeepers, who travel across the country with their beehives and Colonies or Swarms in order to pollinate crops.

#### **Section 5. Penalties.**

- A. Any person found to be in willful noncompliance with Section 3 of this law shall be subject to a \$500 fine, per offense.
- B. No fine shall be imposed until after a hearing has first been held before the Commissioner of the Department of Health Services (“Commissioner”), or his or her designee, upon at least seven business days' notice to the alleged violator. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of the alleged violator and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations against such person. The alleged violator may be represented by counsel and may produce witnesses in his or her own behalf. A verbatim record of the hearing shall be taken and preserved. For purposes of such hearing, the Commissioner, or his or her designee, may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records or other documents deemed pertinent to the subject of the hearing.

#### **Section 6. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

#### **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision,

section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: