

Important Note:

In this representation of the proposed guidelines **all of the indications to past regulations are removed** and it is purely how the proposed guidelines will read if adopted – no remarks.

CHAPTER 24 DISEASES OF BEES AND BEEKEEPING ACTIVITIES

SUBCHAPTER 1. DEFINITIONS

2:24-1.1 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

"Adequate source of water"

means source(s) of water that can never be dry, supplying at least one gallon per day per colony, no more than 25 feet from the hives and on the same property as the hives.

"Adjoining property"

means any property that shares any boundary with the property of another land owner.

"Apiary"

means one or more hives (each containing a colony) of honey bees that are kept at a single location.

"Beekeeper"

means any person who [shall have or keep in his or her possession or in an apiary, a colony of bees] owns and engages in the breeding or keeping of honey bee hive or hives. Beekeeper includes two primary classifications defined as commercial and hobbyist with three sub-classifications within commercial defined as migratory commercial, qualified commercial, and non-qualified commercial.

"Bee yard"

means the property where one or more hives are kept whose physical address, if used for overwintering hives, must be registered pursuant to N.J.A.C. 2:24-3.1. This property may or may not be owned by the owner of the hives.

"Colony"

means an aggregate of bees, the hive, and associated equipment, including honey bees, comb, pollen, and brood.

"Commercial beekeeper"

means a beekeeper with one or more hives who engages in: sale, exchange, or barter of honey bees, or of any activities related thereto, including, but not limited to the use of honey bees for pollination the reproduction and sale of honey bees or the production of honey or other apiary products from such bees, the manmade structure with removable frames or other equipment related to beekeeping.

"Divide" or "split"

means bees and brood on drawn frames, with or without a queen. The number of frames, and the ratio of brood to honey or pollen, may vary, but never exceeds 10 frames.

"Governing authority"

means the Department or its designee or, if the Department delegates authority to a municipality, the governing body of the municipality or its designee.

"Hive"

means the manmade structure with removable frames intended for the housing of and that contains a colony of honey bees.

"Hobbyist beekeeper"

means one who engages in beekeeping and may gift apiary products but engages in no commercial activities involving the bees or apiary products, including no commercial activities of a migratory commercial, a qualified commercial, or a non-qualified commercial beekeeper.

"Man-made native bee hive"

means a tube or other apparatus in which bees may nest and that is installed to attract native bees.

"Migratory commercial beekeeper"

means a commercial beekeeper who moves his or her hives to different locations in New Jersey and/or to different states throughout the seasons to facilitate pollination of feed crops and take advantage of nectar flows, but who does not overwinter the hives in New Jersey and is not required to register pursuant to N.J.A.C. 2:24-3.1.

"Native bee"

means a bee of a species that is native to the State and does not produce honey, but provides for the pollination of crops or plants, or other agricultural, environmental, or horticultural benefits.

"Non-qualified commercial beekeeper"

means a commercial beekeeper whose beekeeping operation does not qualify as a commercial farm pursuant to the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.

"Nucleus"

means a small honey bee hive with no more than 10 frames in the box and no supers attached. It may have been created from larger colonies to minimize honey bee swarming behavior, catch a swarm, or control a colony that was going to swarm. See "divide."

"Nuc box"

is a small box commonly used by beekeepers, with anywhere from three to 10 frames, to prevent colony swarming or collect swarms.

"Overwintering"

means keeping hives within New Jersey from November through March.

"Qualified commercial beekeeper"

means a commercial beekeeper whose beekeeping operation qualifies as a commercial farm pursuant to the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.

"Shipper"

means any person or business entity that ships or dropships queens, packages, or divides into or within New Jersey or to New Jersey residents.

"Super"

refers to any hive body or smaller box used for the storage of surplus honey that the beekeeper will harvest.

"Swarming"

refers to the natural process of propagating a colony of honey bees. It usually occurs in late spring or early summer. The old queen bee leaves the colony with one-half to three-quarters of the adult bees in search of a new home.

"Undeveloped tract of land"

means land that is not improved.

SUBCHAPTER 2. SHIPMENT OF BEES INTO NEW JERSEY

2:24-2.3 Queen or package bees

- (a) All apiaries shipping queen or package bees into or within New Jersey shall have recorded with the New Jersey Department of Agriculture, a valid certificate in accordance with N.J.A.C. 2:24-2.2.

SUBCHAPTER 3. REGISTRATION OF APIARIES

2:24-3.1 Registration requirements; confidentiality and documentation

- (a) All beekeepers must register and obtain a unique Apiary Inspection Service (AIS) number covering all of the beekeeper's bee yard location(s) where bees are overwintered.
- (b) All beekeepers in New Jersey who overwinter their bees must register their bee yard(s) with the New Jersey Department of Agriculture Apiary Inspection Program on an annual basis.
- (c) The registration application is to be submitted electronically at https://www24.state.nj.us/AG_Apiary/ApiaryApp and shall include the following:
1. The name, address, and phone number of the beekeeper and, in the case of hobbyist, the name and emergency contact number of a designated alternate beekeeper to rectify any problems, including, but not limited to, insufficient water and/or swarming, that may need to be addressed in the absence of the owner of the bees;
 2. The actual physical location of the bee yard and, if the beekeeper is leasing property for beekeeping, the name of the owner(s) of the leased

property;

3. The mark or "box brand" that must be permanently branded, engraved, painted, or written with permanent marker on each hive(s) and that shall be a name, number, initials or an image;
 4. The number of hives per location;
 5. The electronic signature of the registration applicant;
 6. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper has provided written notice to neighbors who share a property line about the presence and location on the property of the beekeeper's hive(s);
 7. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper has corrected any noncompliance; and
 8. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper is not aware of any unresolved citizen complaints.
- (d) The only information contained in the individual registration that shall be considered public shall be the beekeeper's name and mailing address; all other beekeeper required information shall be considered confidential.
- (e) Issuance of registration. The Department shall review the application for completion, circumstances of uncorrected noncompliance, and unresolved citizen complaints and request additional information, if necessary, before electronically issuing the registration pursuant to this section.
- (f) Active registrations. The registration shall bear the date of the issuance, name of the beekeeper, description of the premises covered by the registration, and beekeeper AIS number. Every registration of bee yard(s) shall be nontransferable and shall cover the bee yard and the named beekeeper AIS number.
- (g) All active registrations are provided by the Department and are valid in every municipality where a registered hive is located.
- (h) Expiration date. Every registration under this section shall automatically expire on the 31st day of December in the year in which it was issued.
- (i) The Department shall supply the registrant, through a link to its website, with access to current New Jersey laws and rules.
- (j) Upon completion of online registration, each registered beekeeper will be electronically issued a registration that identifies that beekeeper as a legally registered New Jersey beekeeper.
- (k) Continuing education shall be as follows:
1. After registration of their overwintering bee yard(s), all new beekeepers

shall have one year to take a beekeeping course or to be mentored by a current registered member of a local beekeeping association, which mentoring includes maintenance of a logbook with entries of mentoring activities including dates, names, and a brief description of mentoring activities;

2. All beekeepers must take recurrent training every five years offered by Rutgers University, the New Jersey Department of Agriculture, the New Jersey Beekeepers Association, or other professional educational organizations with standards of comparable rigor to keep the beekeeper current with parasites, diseases, and proper colony management practices; and
3. Records shall be maintained for six years by the beekeeper who shall submit copies verifying such continuing education/recurrent trainings to the Department, delegated municipality, or other governmental agency upon request.

SUBCHAPTER 6. PRESERVATION OF HONEY BEE COLONIES

2:24-6.4 Penalties

- (a) Any person who intentionally destroys a man-made honey bee hive or hanging swarm without the approval required under this subchapter shall be liable to a civil penalty of up to \$1,000 for each offense.
- (b) Any person who intentionally destroys a man-made native bee hive shall be liable to a civil penalty of up to \$500.00 for each offense.
- (c) The penalties imposed pursuant to (a) and (b) above are to be collected by a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the Penalty Enforcement Law of 1999 in connection with this action.
- (d) If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to revive honey bee populations in the State.

ADMINISTRATIVE STANDARDS FOR BREEDING AND KEEPING OF BEES AND RELATED ACTIVITIES

2:24-7.1 General scope and applicability

- (a) This subchapter is not applicable to migratory commercial beekeepers providing pollination services to agricultural farms or areas and not overwintering any hives in the State or to qualified commercial beekeepers.
- (b) This subchapter establishes additional apiary standards for the breeding and keeping of honey bees and related activities, not otherwise contained in this chapter.
- (c) Nothing in this subchapter shall be interpreted to supersede the protections afforded by the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.
- (d) This subchapter establishes standards of administrative procedure for delegating the authority to monitor and enforce the rules adopted pursuant to this subchapter to municipalities.
- (e) The apiary standards in this subchapter reflect consideration of the population densities in rural, suburban, and urban areas of the State and the densities and intensities of development and differing land uses in communities throughout the State.
- (f) Notwithstanding compliance with this chapter including these apiary standards, it shall be unlawful for any beekeeper to keep any hive or hives in such a manner or of such disposition as to be a direct threat to public health and safety.

2:24-7.2 Apiary standards

- (a) Colony density shall be as follows:
 - 1. On a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted, new (not already in existence) hives are not permitted;
 - 2. On farms and commercial farms of five acres or more, the number of hives permitted is subject to N.J.A.C. 2:76-2A.2;
 - 3. Where there has otherwise been a determination of agriculture as permitted:
 - i. On a residential lot size of one-quarter acre to less than five acres, except for commercial farms, two hives are permitted per lot. In the event of colony swarming and use of a nuc box, such nucleus shall be moved to another nonadjacent tract within 45 days after the date made or acquired; and

- ii. ii. On a residential lot size of five acres or more, 40 hives in compliance with this subchapter are permitted per lot;
- 4. On an undeveloped tract of land five acres or more in an area where there has been a determination of agriculture as permitted, 40 hives in compliance with this subchapter are permitted per lot;
- 5. Where agriculture has not otherwise been determined as permitted:
 - i. On a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver pursuant to N.J.A.C. 2:24-7.3;
 - ii. On a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot;
 - iii. On a residential lot of five acres or more, a person wishing to keep hives as a hobbyist may seek a waiver to keep up to 10 hives per lot;
 - iv. On a commercial lot of less than one-quarter acre, new (not already in existence) hives are not permitted;
 - v. On a commercial lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the non-qualified commercial beekeeper may seek a waiver pursuant to N.J.A.C. 2:24-7.3 for up to 10 hives per lot;
 - vi. On a commercial lot of one-quarter acre to less than five acres, a person wishing to keep bees as a non-qualified commercial beekeeper may seek a waiver to keep up to 10 hives per lot; and
 - vii. On a commercial lot of five acres or more, a person wishing to keep hives as a non-qualified commercial beekeeper may seek a waiver to keep up to 20 hives per lot.
- (b) Swarming. A beekeeper shall manage all hives to limit and promptly address swarming. This includes provision of one or more nuc boxes, as necessary, for swarm management.
 - 1. For every two hives permitted on a lot, a beekeeper may maintain on the same lot one or more nuc boxes with no supers attached as required from time to time for swarm management.
 - 2. In the event of colony swarming, a beekeeper shall move each such nucleus colony to another tract within 34 days after the date made or acquired.
- (c) Structure. A beekeeper shall keep all hives in manmade structures with removable frames in a sound and usable condition with a height not to exceed 5 and 1/2 feet from the bottom board of the hive.
- (d) Location. A beekeeper shall locate all hives a minimum of 10 feet from any

property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet away from any public place including playgrounds, sports fields, schools, or churches, unless permission is granted for educational or research purposes, with hive entrances located away from adjacent residential properties.

- (e) Flyway barrier. A beekeeper shall establish a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and maintain it to extend 10 feet beyond the colony in each direction except if the property adjoining a colony is undeveloped or agriculturally utilized, when no flyway barrier is required on that side.
- (f) Water. A beekeeper shall provide all hives with access to adequate sources of water, as defined, to be available at all times. Bees congregating at swimming pools, pet watering bowls, bird baths, or other water sources allows a rebuttable presumption that all beekeepers with hive(s) on adjacent property are not in compliance with this standard.
- (g) Queens. A beekeeper shall select queens from stock bred for gentleness and non-swarmer characteristics. A beekeeper shall maintain all colonies with queens that shall be replaced if a colony exhibits unusual defensive behavior without due provocation or exhibits an unusual disposition toward swarming. A beekeeper has a duty to promptly re-queen the colony when these conditions persist.
- (h) General maintenance. No bee comb or other materials that might encourage robbing by honey bees or other stinging insects shall be left upon the grounds of the apiary site in suburban and urban environments.
- (i) Marking of hives. All beekeepers shall legibly mark hives with the "box brand" or marking of the beekeeper owning the hive. The "box brand" may be a name, number, initials, or an image, and may be branded, engraved, painted, or written with permanent marker. This box brand shall correspond to the information provided in the apiary registration required by N.J.A.C. 2:24-3.1(b).
- (j) Access. The beekeeper shall provide on the beekeeper's property and shall assure through lease terms on property leased by the beekeeper, free access to the beekeeper's hives to inspectors from any and all governmental agencies to make reasonable inquiry or otherwise enforce the laws pertaining to the hives, maintenance of the hives, or disease control.
- (k) Inspection shall be handled as follows:
 1. The hives may be inspected annually or as needed by the New Jersey State Apiarist or his or her designee;

2. All colonies must be managed by the beekeeper for disease and population management control no less than three times between March 1 and October 1 of any given year. The designated municipal, State, or Federal officer may accompany the beekeeper. A record of these inspections must be maintained by the beekeeper and submitted to the Department upon request; and
3. Upon receipt of information that any colony within the State is not being kept in compliance with these standards, the New Jersey Department of Agriculture may provide a written notice of violation to the beekeeper with opportunity for appeal.

(l) Violations and enforcement.

1. Any beekeeper may be prohibited from keeping hives:
 - i. If the beekeeper's overwintering hives are not registered with the State; or
 - ii. If the beekeeper violates the rules set forth in this chapter.
2. Any hobbyist beekeeper who violates N.J.A.C. 2:24-4.1 will be subject to penalties pursuant to N.J.A.C. 2:24-4.1(f) and who violates other sections of this chapter shall be subject to a warning identifying each offense with written notice of corrective action required. If corrective action is not taken, the hobbyist beekeeper shall be subject to enforcement, which may include required relocation of hive(s) to another location outside of the offended municipality within seven working days at the beekeeper's expense.
3. After three violations of this chapter in one registration period, the Department may revoke the hobbyist beekeeper's ability to keep bees.
4. Any non-qualified commercial beekeeper who violates this section may be restrained by the Superior Court in an action brought for such purpose by the Department.
5. Denial of registration. The Department shall deny a registration to any hobbyist beekeeper applicant who does not meet the requirements of this section and/or has an outstanding complaint or noncompliance. A written letter of denial stating the reason(s) for the denial of the registration will be issued by the Department.
6. Appeal of denials. Hobbyist beekeeper applicants who have been denied a registration may appeal the denial to the Department.
 - i. Written appeal must be received by the Department within 25 days of the date on the letter of denial received by the applicant.
 - ii. Written appeal should be sent to Director, Division of Plant Industry, NJ Department of Agriculture, PO Box 330, Trenton, New Jersey

08625-0330.

2:24-7.3 Expedited waiver

- (a) A beekeeper who owned hives on July 31, 2015, in a number greater than is provided for pursuant to N.J.A.C. 2:24-7.2 and wishes to continue to own the hives may apply for an expedited waiver from the governing authority.
- (b) The application for an expedited waiver must be submitted within 30 days of the effective date of these rules with public notice provided by giving written notice to all property owners within 200 feet of the applicant's property.
- (c) Such public notice shall be made by hand delivery or by regular mail of the application containing a certification setting forth that the hand delivery or the mailing has been made to the appropriate property owners.
- (d) The notice shall set forth the following:
 - 1. The name and address of the applicant;
 - 2. The address, lot, and block number of the property at which the applicant intends to maintain the hive(s);
 - 3. Attestation by the applicant that he or she is a currently registered beekeeper with the New Jersey Department of Agriculture;
 - 4. The number of hives that have been continuously on the property and that exceed the number permitted in these rules;
 - 5. The prior history of complaints against the applicant, related to the hives and/or the bees on the applicant's property, and their resolution;
 - and
 - 6. The size of the property where the applicant proposes to continue to keep the hive(s).
- (e) Should the applicant's request for an expedited waiver be granted, the governing authority shall set the number of total hive(s) permitted, based on the specific facts of the situation at issue.

2:24-7.3A Waiver

- (a) A person desirous of owning and maintaining hives in a number greater than is provided for pursuant to N.J.A.C. 2:24-7.2 may apply to the governing authority for a waiver. The application for a hearing before the governing authority for a waiver must be submitted not less than 10 days prior to a regularly scheduled meeting of the governing authority, with public notice provided, as necessary, for regulatory actions of the governing authority and giving written notice to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his or her property from the municipality's tax assessor's office.

- (b) Notice must be made to all property owners within 200 feet of the applicant's property by hand delivery or by regular mail, with proof of service being presented to the governing authority at the time of the hearing with a certification setting forth that the hand delivery or the mailing has been made to the appropriate property owners.
- (c) The notice shall set forth the following:
1. The name and address of the applicant;
 2. The address, lot, and block number of the property at which the applicant intends to maintain the hive(s);
 3. The nature of the waiver requested, setting forth the number of the proposed hives; and
 4. The date, time, and place of the hearing before the governing authority.
- (d) The governing authority may grant or deny an application for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the following facts shall be considered:
1. The size of the property where the applicant proposes to keep hive(s);
 2. The distance between the location of where the hive(s) is/are intended to be kept and the physical location of adjacent property owners' homes or dwelling units;
 3. Whether the property where the hives are proposed to be kept is fenced to provide a particular type of required flyway barrier;
 4. Whether the hive(s) for which the waiver is requested is/are the first hive(s) or are an addition to existing hive(s) on the applicant's property;
 5. The prior history of complaints against the applicant for violation of this subchapter;
 6. The zoning district of the property where the hives are proposed to be kept;
 7. Whether the hive(s) serve some business purpose or the hive(s) are to be kept as a hobby; and
 8. Other such facts as the governing authority may believe appropriate to consider according to the case and circumstances presented at the time the application is heard.
- (e) Should the applicant's request for a waiver be granted, the governing authority shall set the number of proposed hive(s) permitted, based on the specific facts of the situation at issue.
- (f) A waiver granted by the governing authority may be revoked upon proper application to the governing authority. An application must:

1. Address the facts in (d)1 through 8 above;
2. Be made by a person who certifies that he or she resides within or owns property in the municipality where the waiver applies; and
3. Include certification of notice served upon the beekeeper by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the governing authority on the application for revocation. The governing authority will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under this section.

- (g) No waiver shall be granted unless the beekeeper has submitted to the governing authority a certificate indicating that the hive(s) are free of disease. The certificate shall be submitted with the request for a waiver application but no later than the hearing date scheduled for the waiver application hearing.
- (h) The granting of a waiver shall in no way authorize the creation of an unhealthy condition and shall in no way affect the general standards upon the keeping of hive(s).

2:24-7.4 Administrative standards for delegated municipalities

- (a) A municipality may pass an ordinance to adopt by reference these apiary standards promulgated by the Department. The ordinance shall designate the municipal office responsible for monitoring these standards.
- (b) Municipalities must provide the Department copies of such ordinance(s) two weeks in advance of formal consideration of such ordinances.
- (c) If a municipality that has adopted the Department's standards finds a condition or circumstance not sufficiently addressed by Department standards:
1. The municipality shall request guidance from the Department.
 - i. If a municipality that had apiary standards in effect by ordinance prior to the passage of P.L. 2015, c. 76, finds that the previous ordinance resolved the condition or circumstance, the municipality may petition the Department with the guidance request to accept those prior standards under N.J.S.A. 4:6-24.c for immediate resolution;
 2. Subject to (c)1i above, the Department shall provide the guidance no later than 90 days after the request is received by the Department; and
 3. Upon expiration of the 90-day period, the municipality, if it has consulted with the Department, the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-

Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes, may adopt by ordinance a standard to address the condition or circumstance, provided that the standard reflects consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior.

- (d) Upon adoption by reference of the Department standards by municipal ordinance with actual notice to the Department, the Department shall provide the municipality with a list of registered beekeepers in the municipality pursuant to N.J.A.C. 2:24-3.1(k) and communicate to the municipality the delegation of regulatory authority to monitor and enforce apiary activities and registrant compliance with the standards.
- (e) The Department shall annually submit to each municipality with authority delegated pursuant to this section, a listing of each registered bee yard, beekeeper, and the property owner, if the owner is not the beekeeper, in that municipality, including the number of bee yards registered, hives per bee yard, and bee yard(s) location(s). The listing for the current year will be provided by March 31.
- (f) Covering the period between February 15 and October 15 annually, municipalities with delegated regulatory authority shall submit reports of apiary activity to the Department, as follows:
 - 1. The municipality shall submit reports to the Department by May 31, August 30, and October 30;
 - 2. Reports shall contain the following:
 - i. Number of registration applications incorrectly sent to the municipality and forwarded to the Department;
 - ii. Number and type of complaints from residents including complaints of swarms and/or disruptive contact of honey bees with swimming pools;
 - iii. Number of monitoring inspections by the municipality;
 - iv. Number of registrant reports of diseases of bees to the municipality and forwarded to the Department; and
 - v. Number and type of enforcement actions taken.

COMMUNITY AFFAIRS (a) THE COMMISSIONER

Standards of Conduct

Proposed Readoption: N.J.A.C. 5:1

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-3.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-265.

Submit written comments by January 19, 2018, to:

Kathleen Asher

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625

E-mail: kathleen.asher@dca.nj.gov

Fax Number: (609) 984-6696

The agency proposal as follows:

Summary

The Department of Community Affairs (Department) standards of conduct rules at N.J.A.C. 5:1 were scheduled to expire on October 22, 2017. As the Department submitted this notice of readoption to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to April 20, 2018, pursuant to N.J.S.A. 52:14B- 5.1.c(2). The rules include subchapters concerning general provisions, definitions, penalties, fair employment practices, conflict of interest and ethical standards, and political activities. Upon review of these rules, the Department has determined that the existing rules are necessary, reasonable, and proper for the purpose for which they originally were promulgated, and the Department, therefore, should readopt them.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption provide that each person in the Department acts consistently with the Code of Fair Practices, the New Jersey Law Against Discrimination, and the Civil Rights Act, and addresses inquiries made that may implicate these laws. The rules proposed for readoption further require all Department officers and employees to comply with the Department's Code of Ethics. Finally, the rules proposed for readoption prohibit the use of an official position for political purposes and states that the Hatch Act, 5 U.S.C. §

118K, applies as well.

Economic Impact

The Department will not incur any additional costs. The rules proposed for readoption address activities of officers and employees of the Department.

Federal Standards Statement

No Federal standards analysis is required because the Department is not proposing these rules for readoption to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates reference to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the rules proposed for readoption will result in the creation or loss of any jobs.

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As used in this chapter, the following words and terms shall have the following meanings:

"Adequate source of water" means source(s) of water that can never be dry, supplying at least one gallon per day per colony, no more than 25 feet from the hives and on the same property as the hives.

"Adjoining property" means any property that shares any boundary with the property of another land owner.

"Apiary" means one or more [colonies] hives (each containing a colony) of honey bees that are kept at a single location.

["Apiary site" means the place where an apiary is located.]

"Beekeeper" means any person who [shall have or keep in his or her possession or in an apiary, a colony of bees] owns and engages in the breeding or keeping of honey bee hive or hives. Beekeeper includes two primary classifications defined as commercial and hobbyist with three sub-classifications within commercial defined as migratory commercial, qualified commercial, and non-qualified commercial.

"Bee yard" means the property where one or more hives are kept whose physical address, if used for overwintering hives, must be registered pursuant to N.J.A.C. 2:24-3.1. This property may or may not be owned by the owner of the hives.

"Colony" means [a hive or swarm of bees] an aggregate of bees, the hive, and associated equipment, including honey bees, comb, pollen, and brood.

["Commercial apiary" means a business classified by the United States Standard Industrial Classification (commonly referred to in the SIC Code) as 0279B-Bee farms.]

"Commercial beekeeper" means a beekeeper with one or more hives who engages in sale, exchange, or barter of honey bees, or of any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from such bees, the manmade structure with removable frames, or other equipment related to beekeeping.

"Divide[,] or "split" [or "nucleus"] means bees and brood on drawn frames, with or without a queen. The number of frames, and the ratio of brood to honey or pollen, may vary, but never exceeds 10 frames.

"Governing authority" means the Department or its designee or, if the Department delegates authority to a municipality, the governing body of the municipality or its designee.

"Hive" means the manmade structure [which] with removable frames intended for the housing of and that contains a colony of honey bees.

"Hobbyist beekeeper" means one who engages in beekeeping and may gift apiary products but engages in no commercial activities involving the bees or apiary products, including no commercial activities of a migratory commercial, a qualified commercial, or a non-qualified commercial beekeeper.

"Man-made native bee hive" means a tube or other apparatus in which bees may nest and that is installed to attract native bees.

"Migratory commercial beekeeper" means a commercial beekeeper who moves his or her hives to different locations in New Jersey and/or to different states throughout the seasons to facilitate pollination of feed crops and take advantage of nectar flows, but who does not overwinter the hives in New Jersey and is not required to register pursuant to N.J.A.C. 2:24-3.1.

"Native bee" means a bee of a species that is native to the State and does not produce honey, but provides for the pollination of crops or plants, or other agricultural, environmental, or horticultural benefits.

["Noncommercial apiary" means any apiary not classified as commercial.]

"Non-qualified commercial beekeeper" means a commercial beekeeper whose beekeeping operation does not qualify as a commercial farm pursuant to

the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.

"Nucleus" means a small honey bee hive with no more than 10 frames in the box and no supers attached. It may have been created from larger colonies to minimize honey bee swarming behavior, catch a swarm, or control a colony that was going to swarm. [see] See "divide."

"Nuc box" is a small box commonly used by beekeepers, with anywhere from three to 10 frames, to prevent colony swarming or collect swarms.

"Overwintering" means keeping hives within New Jersey from November through March.

"Qualified commercial beekeeper" means a commercial beekeeper whose beekeeping operation qualifies as a commercial farm pursuant to the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.

"Shipper" means any person or business entity [which] that ships or dropships[,] queens, packages, or divides into or within New Jersey or to New Jersey residents.

"Super" refers to any hive body or smaller box used for the storage of surplus honey that the beekeeper will harvest.

"Swarming" refers to the natural process of propagating a colony of honey bees. It usually occurs in late spring or early summer. The old queen bee leaves the colony with one-half to three-quarters of the adult bees in search of a new home.

"Undeveloped tract of land" means land that is not improved.

SUBCHAPTER 2. SHIPMENT OF BEES INTO NEW JERSEY

2:24-2.3 Queen or package bees

(a) All apiaries shipping queen or package bees into or within New Jersey shall have recorded with the New Jersey Department of Agriculture, a valid

certificate in accordance with N.J.A.C. 2:24-2.2.

(b) (No change.)

[(c) All queens or package bees shipped to New Jersey shall be accompanied by a Federally approved miticide treatment for the control of Varroa mite.]

SUBCHAPTER 3. REGISTRATION OF APIARIES

2:24-3.1 Registration requirements; confidentiality and documentation

(a) All beekeepers must register and obtain a unique Apiary Inspection Service (AIS) number covering all of the beekeeper's bee yard location(s) where bees are overwintered.

[(a)] (b) All [bee yards] beekeepers in New Jersey [where bees are overwintered] who overwinter their bees must [be registered annually] register their bee yard(s) with the New Jersey Department of Agriculture Apiary Inspection Program on an annual basis.

(c) The registration application is to be submitted electronically at https://www24.state.nj.us/AG_Apiary/ApiaryApp and shall include the following:

1. The name, address, and phone number of the beekeeper and, in the case of hobbyist, the name and emergency contact number of a designated alternate beekeeper to rectify any problems, including, but not limited to, insufficient water and/or swarming, that may need to be addressed in the absence of the owner of the bees;
2. The actual physical location of the bee yard and, if the beekeeper is leasing property for beekeeping, the name of the owner(s) of the leased property;
3. The mark or "box brand" that must be permanently branded, engraved, painted, or written with permanent marker on each hive(s) and that shall be a name, number, initials or an image;
4. The number of hives per location;
5. The electronic signature of the registration applicant;
6. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper has provided written notice to neighbors who share a property line about the presence and location on the property of the beekeeper's hive(s);
7. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper has corrected any noncompliance; and

8. Affirmation by non-qualified commercial and hobbyist beekeeper applicants that the applicant beekeeper is not aware of any unresolved citizen complaints.

[(b)] (d) The only information contained in the individual registration that shall be considered public shall be the beekeeper's name and mailing address; all other beekeeper required information shall be considered confidential.

(e) Issuance of registration. The Department shall review the application for completion, circumstances of uncorrected noncompliance, and unresolved citizen complaints and request additional information, if necessary, before electronically issuing the registration pursuant to this section.

(f) Active registrations. The registration shall bear the date of the issuance, name of the beekeeper, description of the premises covered by the registration, and beekeeper AIS number. Every registration of bee yard(s) shall be nontransferable and shall cover the bee yard and the named beekeeper AIS number.

(g) All active registrations are provided by the Department and are valid in every municipality where a registered hive is located.

(h) Expiration date. Every registration under this section shall automatically expire on the 31st day of December in the year in which it was issued.

[(c)] (i) The Department [of Agriculture] shall supply the registrant, through a link to its website, with [any and all appropriate orders,] access to current New Jersey laws and rules.

[(d)] (j) Upon [request] completion of online registration, [the Department shall issue to] each registered beekeeper[, documentation, which] will be electronically issued a registration that identifies [them] that beekeeper as a legally registered New Jersey beekeeper.

(k) Continuing education shall be as follows:

1. After registration of their overwintering bee yard(s), all new beekeepers shall have one year to take a beekeeping course or to be mentored by a current registered member of a local beekeeping association, which mentoring includes maintenance of a logbook with entries of mentoring activities including dates, names, and a brief description of mentoring activities;

2. All beekeepers must take recurrent training every five years offered by Rutgers University, the New Jersey Department of Agriculture, the New Jersey Beekeepers Association, or other professional educational organizations with standards of comparable rigor to keep the beekeeper current with parasites, diseases, and proper colony management practices; and

3. Records shall be maintained for six years by the beekeeper who shall submit copies verifying such continuing education/recurrent trainings to the

Department, delegated municipality, or other governmental agency upon request.

SUBCHAPTER 6. PRESERVATION OF HONEY BEE COLONIES

2:24-6.4 Penalties

(a) Any person who intentionally destroys a man-made honey bee hive or hanging swarm without the approval required under this subchapter shall be liable to a civil penalty of up to \$1,000 for each offense.[, to be collected by a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the Penalty Enforcement Law of 1999 in connection with this action.]

(b) Any person who intentionally destroys a man-made native bee hive shall be liable to a civil penalty of up to \$500.00 for each offense.

(c) The penalties imposed pursuant to (a) and (b) above are to be collected by a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the Penalty Enforcement Law of 1999 in connection with this action.

[[b)] (d) If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to revive honey bee populations in the State.

SUBCHAPTER 7. APIARY AND MUNICIPAL

ADMINISTRATIVE STANDARDS FOR BREEDING AND KEEPING OF BEES AND RELATED ACTIVITIES

2:24-7.1 General scope and applicability

(a) This subchapter is not applicable to migratory commercial beekeepers providing pollination services to agricultural farms or areas and not overwintering any hives in the State or to qualified commercial beekeepers.

(b) This subchapter establishes additional apiary standards for the breeding and keeping of honey bees and related activities, not otherwise contained in

this chapter.

(c) Nothing in this subchapter shall be interpreted to supersede the protections afforded by the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), as amended and supplemented.

(d) This subchapter establishes standards of administrative procedure for delegating the authority to monitor and enforce the rules adopted pursuant to this subchapter to municipalities.

(e) The apiary standards in this subchapter reflect consideration of the population densities in rural, suburban, and urban areas of the State and the densities and intensities of development and differing land uses in communities throughout the State.

(f) Notwithstanding compliance with this chapter including these apiary standards, it shall be unlawful for any beekeeper to keep any hive or hives in such a manner or of such disposition as to be a direct threat to public health and safety.

2:24-7.2 Apiary standards

(a) Colony density shall be as follows:

1. On a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted, new (not already in existence) hives are not permitted;

2. On farms and commercial farms of five acres or more, the number of hives permitted is subject to N.J.A.C. 2:76-2A.2;

3. Where there has otherwise been a determination of agriculture as permitted:

i. On a residential lot size of one-quarter acre to less than five acres, except for commercial farms, two hives are permitted per lot. In the event of colony swarming and use of a nuc box, such nucleus shall be moved to another nonadjacent tract within 45 days after the date made or acquired; and

ii. On a residential lot size of five acres or more, 40 hives in compliance with this subchapter are permitted per lot;

4. On an undeveloped tract of land five acres or more in an area where there has been a determination of agriculture as permitted, 40 hives in compliance with this subchapter are permitted per lot;

5. Where agriculture has not otherwise been determined as permitted:

i. On a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver pursuant to N.J.A.C. 2:24-7.3;

ii. On a residential lot of one-quarter acre to less than five acres, a person

wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot;

iii. On a residential lot of five acres or more, a person wishing to keep hives as a hobbyist may seek a waiver to keep up to 10 hives per lot;

iv. On a commercial lot of less than one-quarter acre, new (not already in existence) hives are not permitted;

v. On a commercial lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the non-qualified commercial beekeeper may seek a waiver pursuant to N.J.A.C. 2:24-7.3 for up to 10 hives per lot;

vi. On a commercial lot of one-quarter acre to less than five acres, a person wishing to keep bees as a non-qualified commercial beekeeper may seek a waiver to keep up to 10 hives per lot; and

vii. On a commercial lot of five acres or more, a person wishing to keep hives as a non-qualified commercial beekeeper may seek a waiver to keep up to 20 hives per lot.

(b) Swarming. A beekeeper shall manage all hives to limit and promptly address swarming. This includes provision of one or more nuc boxes, as necessary, for swarm management.

1. For every two hives permitted on a lot, a beekeeper may maintain on the same lot one or more nuc boxes with no supers attached as required from time to time for swarm management.

2. In the event of colony swarming, a beekeeper shall move each such nucleus colony to another tract within 34 days after the date made or acquired.

(c) Structure. A beekeeper shall keep all hives in manmade structures with removable frames in a sound and usable condition with a height not to exceed 5 and 1/2 feet from the bottom board of the hive.

(d) Location. A beekeeper shall locate all hives a minimum of 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet away from any public place including playgrounds, sports fields, schools, or churches, unless permission is granted for educational or research purposes, with hive entrances located away from adjacent residential properties.

(e) Flyway barrier. A beekeeper shall establish a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and maintain it to extend 10 feet beyond the colony in each direction except if the property adjoining a colony is undeveloped or agriculturally utilized, when no flyway barrier is required on that side.

(f) Water. A beekeeper shall provide all hives with access to adequate sources of water, as defined, to be available at all times. Bees congregating at swimming pools, pet watering bowls, bird baths, or other water sources allows a

rebuttable presumption that all beekeepers with hive(s) on adjacent property are not in compliance with this standard.

(g) Queens. A beekeeper shall select queens from stock bred for gentleness and non-swarming characteristics. A beekeeper shall maintain all colonies with queens that shall be replaced if a colony exhibits unusual defensive behavior without due provocation or exhibits an unusual disposition toward swarming. A beekeeper has a duty to promptly re-queen the colony when these conditions persist.

(h) General maintenance. No bee comb or other materials that might encourage robbing by honey bees or other stinging insects shall be left upon the grounds of the apiary site in suburban and urban environments.

(i) Marking of hives. All beekeepers shall legibly mark hives with the "box brand" or marking of the beekeeper owning the hive. The "box brand" may be a name, number, initials, or an image, and may be branded, engraved, painted, or written with permanent marker. This box brand shall correspond to the information provided in the apiary registration required by N.J.A.C. 2:24-3.1(b).

(j) Access. The beekeeper shall provide on the beekeeper's property and shall assure through lease terms on property leased by the beekeeper, free access to the beekeeper's hives to inspectors from any and all governmental agencies to make reasonable inquiry or otherwise enforce the laws pertaining to the hives, maintenance of the hives, or disease control.

(k) Inspection shall be handled as follows:

1. The hives may be inspected annually or as needed by the New Jersey State Apiarist or his or her designee;

2. All colonies must be managed by the beekeeper for disease and population management control no less than three times between March 1 and October 1 of any given year. The designated municipal, State, or Federal officer may accompany the beekeeper. A record of these inspections must be maintained by the beekeeper and submitted to the Department upon request; and

3. Upon receipt of information that any colony within the State is not being kept in compliance with these standards, the New Jersey Department of Agriculture may provide a written notice of violation to the beekeeper with opportunity for appeal.

(l) Violations and enforcement.

1. Any beekeeper may be prohibited from keeping hives:

i. If the beekeeper's overwintering hives are not registered with the State;

or

ii. If the beekeeper violates the rules set forth in this chapter.

2. Any hobbyist beekeeper who violates N.J.A.C. 2:24-4.1 will be subject to penalties pursuant to N.J.A.C. 2:24-4.1(f) and who violates other sections of this chapter shall be subject to a warning identifying each offense with written notice of corrective action required. If corrective action is not taken, the hobbyist beekeeper shall be subject to enforcement, which may include required relocation of hive(s) to another location outside of the offended municipality within seven working days at the beekeeper's expense.

3. After three violations of this chapter in one registration period, the Department may revoke the hobbyist beekeeper's ability to keep bees.

4. Any non-qualified commercial beekeeper who violates this section may be restrained by the Superior Court in an action brought for such purpose by the Department.

5. Denial of registration. The Department shall deny a registration to any hobbyist beekeeper applicant who does not meet the requirements of this section and/or has an outstanding complaint or noncompliance. A written letter of denial stating the reason(s) for the denial of the registration will be issued by the Department.

6. Appeal of denials. Hobbyist beekeeper applicants who have been denied a registration may appeal the denial to the Department.

i. Written appeal must be received by the Department within 25 days of the date on the letter of denial received by the applicant.

ii. Written appeal should be sent to Director, Division of Plant Industry, NJ Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

2:24-7.3 Expedited waiver

(a) A beekeeper who owned hives on July 31, 2015, in a number greater than is provided for pursuant to N.J.A.C. 2:24-7.2 and wishes to continue to own the hives may apply for an expedited waiver from the governing authority.

(b) The application for an expedited waiver must be submitted within 30 days of the effective date of these rules with public notice provided by giving written notice to all property owners within 200 feet of the applicant's property.

(c) Such public notice shall be made by hand delivery or by regular mail of the application containing a certification setting forth that the hand delivery or the mailing has been made to the appropriate property owners.

(d) The notice shall set forth the following:

1. The name and address of the applicant;
2. The address, lot, and block number of the property at which the applicant intends to maintain the hive(s);
3. Attestation by the applicant that he or she is a currently registered

beekeeper with the New Jersey Department of Agriculture;

4. The number of hives that have been continuously on the property and that exceed the number permitted in these rules;

5. The prior history of complaints against the applicant, related to the hives and/or the bees on the applicant's property, and their resolution; and

6. The size of the property where the applicant proposes to continue to keep the hive(s).

(e) Should the applicant's request for an expedited waiver be granted, the governing authority shall set the number of total hive(s) permitted, based on the specific facts of the situation at issue.

2:24-7.3A Waiver

(a) A person desirous of owning and maintaining hives in a number greater than is provided for pursuant to N.J.A.C. 2:24-7.2 may apply to the governing authority for a waiver. The application for a hearing before the governing authority for a waiver must be submitted not less than 10 days prior to a regularly scheduled meeting of the governing authority, with public notice provided, as necessary, for regulatory actions of the governing authority and giving written notice to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his or her property from the municipality's tax assessor's office.

(b) Notice must be made to all property owners within 200 feet of the applicant's property by hand delivery or by regular mail, with proof of service being presented to the governing authority at the time of the hearing with a certification setting forth that the hand delivery or the mailing has been made to the appropriate property owners.

(c) The notice shall set forth the following:

1. The name and address of the applicant;
2. The address, lot, and block number of the property at which the applicant intends to maintain the hive(s);
3. The nature of the waiver requested, setting forth the number of the proposed hives; and
4. The date, time, and place of the hearing before the governing authority.

(d) The governing authority may grant or deny an application for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the following facts shall be considered:

1. The size of the property where the applicant proposes to keep hive(s);
2. The distance between the location of where the hive(s) is/are intended

to be kept and the physical location of adjacent property owners' homes or dwelling units;

3. Whether the property where the hives are proposed to be kept is fenced to provide a particular type of required flyway barrier;

4. Whether the hive(s) for which the waiver is requested is/are the first hive(s) or are an addition to existing hive(s) on the applicant's property;

5. The prior history of complaints against the applicant for violation of this subchapter;

6. The zoning district of the property where the hives are proposed to be kept;

7. Whether the hive(s) serve some business purpose or the hive(s) are to be kept as a hobby; and

8. Other such facts as the governing authority may believe appropriate to consider according to the case and circumstances presented at the time the application is heard.

(e) Should the applicant's request for a waiver be granted, the governing authority shall set the number of proposed hive(s) permitted, based on the specific facts of the situation at issue.

(f) A waiver granted by the governing authority may be revoked upon proper application to the governing authority. An application must:

1. Address the facts in (d)1 through 8 above;

2. Be made by a person who certifies that he or she resides within or owns property in the municipality where the waiver applies; and

3. Include certification of notice served upon the beekeeper by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the governing authority on the application for revocation. The governing authority will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under this section.

(g) No waiver shall be granted unless the beekeeper has submitted to the governing authority a certificate indicating that the hive(s) are free of disease. The certificate shall be submitted with the request for a waiver application but no later than the hearing date scheduled for the waiver application hearing.

(h) The granting of a waiver shall in no way authorize the creation of an unhealthy condition and shall in no way affect the general standards upon the keeping of hive(s).

2:24-7.4 Administrative standards for delegated municipalities

(a) A municipality may pass an ordinance to adopt by reference these

apiary standards promulgated by the Department. The ordinance shall designate the municipal office responsible for monitoring these standards.

(b) Municipalities must provide the Department copies of such ordinance(s) two weeks in advance of formal consideration of such ordinances.

(c) If a municipality that has adopted the Department's standards finds a condition or circumstance not sufficiently addressed by Department standards:

1. The municipality shall request guidance from the Department.

i. If a municipality that had apiary standards in effect by ordinance prior to the passage of P.L. 2015, c. 76, finds that the previous ordinance resolved the condition or circumstance, the municipality may petition the Department with the guidance request to accept those prior standards under N.J.S.A. 4:6-24.c for immediate resolution;

2. Subject to (c)1i above, the Department shall provide the guidance no later than 90 days after the request is received by the Department; and

3. Upon expiration of the 90-day period, the municipality, if it has consulted with the Department, the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes, may adopt by ordinance a standard to address the condition or circumstance, provided that the standard reflects consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior.

(d) Upon adoption by reference of the Department standards by municipal ordinance with actual notice to the Department, the Department shall provide the municipality with a list of registered beekeepers in the municipality pursuant to N.J.A.C. 2:24-3.1(k) and communicate to the municipality the delegation of regulatory authority to monitor and enforce apiary activities and registrant compliance with the standards.

(e) The Department shall annually submit to each municipality with authority delegated pursuant to this section, a listing of each registered bee yard, beekeeper, and the property owner, if the owner is not the beekeeper, in that municipality, including the number of bee yards registered, hives per bee yard, and bee yard(s) location(s). The listing for the current year will be provided by March 31.

(f) Covering the period between February 15 and October 15 annually, municipalities with delegated regulatory authority shall submit reports of apiary activity to the Department, as follows:

1. The municipality shall submit reports to the Department by May 31, August 30, and October 30;

2. Reports shall contain the following:
 - i. Number of registration applications incorrectly sent to the municipality and forwarded to the Department;
 - ii. Number and type of complaints from residents including complaints of swarms and/or disruptive contact of honey bees with swimming pools;
 - iii. Number of monitoring inspections by the municipality;
 - iv. Number of registrant reports of diseases of bees to the municipality and forwarded to the Department; and
 - v. Number and type of enforcement actions taken.

COMMUNITY AFFAIRS (a) THE COMMISSIONER

Standards of Conduct

Proposed Readoption: N.J.A.C. 5:1

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-3.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-265.

Submit written comments by January 19, 2018, to:

Kathleen Asher

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625

E-mail: kathleen.asher@dca.nj.gov

Fax Number: (609) 984-6696

The agency proposal as follows:

Summary

The Department of Community Affairs (Department) standards of conduct rules at N.J.A.C. 5:1 were scheduled to expire on October 22, 2017. As the Department submitted this notice of readoption to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to April 20,

2018, pursuant to N.J.S.A. 52:14B- 5.1.c(2). The rules include subchapters concerning general provisions, definitions, penalties, fair employment practices, conflict of interest and ethical standards, and political activities. Upon review of these rules, the Department has determined that the existing rules are necessary, reasonable, and proper for the purpose for which they originally were promulgated, and the Department, therefore, should readopt them.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption provide that each person in the Department acts consistently with the Code of Fair Practices, the New Jersey Law Against Discrimination, and the Civil Rights Act, and addresses inquiries made that may implicate these laws. The rules proposed for readoption further require all Department officers and employees to comply with the Department's Code of Ethics. Finally, the rules proposed for readoption prohibit the use of an official position for political purposes and states that the Hatch Act, 5 U.S.C. § 118K, applies as well.

Economic Impact

The Department will not incur any additional costs. The rules proposed for readoption address activities of officers and employees of the Department.

Federal Standards Statement

No Federal standards analysis is required because the Department is not proposing these rules for readoption to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates reference to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the rules proposed for readoption will result in the creation or loss of any jobs.