

ORDINANCE NO. 2018-04

AN ORDINANCE REPEALING AND RECREATING SECTION 151-10, BEEKEEPING, OF CHAPTER 151, ANIMALS OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTION 151-10 BE RECREATED TO READ AS FOLLOWS:

SECTION 1.

§ 151-10 Beekeeping.

ON VILLAGE OWNED PROPERTY

- A. Definitions. For the purposes of this section, the following terms have the meaning indicated:

APIARY

The assembly of one or more colonies of honey bees at a single location.

BEEKEEPER

A person who owns or has charge of one or more colonies of honey or mason bees.

BEEKEEPING EQUIPMENT

Any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY

A hive and its equipment and appurtenances, including honey bees, comb, honey pollen and brood.

HIVE

The receptacle inhabited by a colony that is manufactured or created for that purpose.

HONEY BEE

All life stages of and is limited to the common domestic honey bee, *Apis mellifera* species of European origin. The Africanized honey bee is prohibited.

LOT

A contiguous parcel of land under Village of Allouez ownership.

MASON BEE

All life stages of and is limited to genus *Osmia*.

NUCLEUS COLONY

A small quantity of honey bees with a queen housed in a smaller than usual hive box

designed for a particular purpose.

B. Permit and fees required.

- (1) Only honey bees and mason bees (hereinafter referred to collectively and individually as "bees") may be kept in the Village on Village-owned property under this section.
- (2) Persons that keep bees within the limits of the Village must first obtain a permit. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honey bees on or in any Village-owned property in the Village of Allouez without first obtaining a permit.
- (3) Applications for a permit to keep or maintain bees will be made on such forms as provided by the Village Clerk-Treasurer's office.
- (4) A permit fee shall be as determined by resolution of the Village Board and then as stated in Chapter 225, Fees and Charges.
- (5) Permits shall not be transferable or refundable.
- (6) All permits issued shall expire on June 30 of the year following issuance unless sooner revoked.
- (7) Applicants shall provide the following information on the original application: a detailed lot diagram of the beekeeping equipment location on Village-owned property, including the distances to property lines and from nearby structures on neighboring properties.
- (8) The applicant shall provide an affidavit of knowledge or proof of sponsorship and beekeeping education/training from a local technical college, university or beekeeping association or organization to obtain competency in beekeeping.
- (9) New permits may only be granted subject to the successful completion of the Village of Allouez Code ~~and Safety~~ Enforcement ~~Coordinator~~ Officer pre-inspection.

C. Conditions for keeping and maintaining hives.

- (1) Approval of a permit application for Village-owned property is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the Village Board. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the Code ~~and Safety~~ Enforcement ~~Coordinator~~ Officer.

to safeguard public health and the general welfare and deemed necessary to reduce the likelihood of public or private nuisance.

- (2) Beekeeping shall be allowed only on Village-owned property and those locations

designated by the Village on Village property. No more than one beekeeper and three beehives shall be allowed per parcel. **[Amended 5-3-2016 by Ord. No. 2016-04]**

- (3) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (4) Each beekeeper shall ensure that a sufficient and convenient source of fresh water is available to the colony.
- (5) Each beekeeper shall ensure that no wax comb or other materials that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- (6) Each beekeeper shall maintain beekeeping equipment in good condition and secure unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honey bees.
- (7) In apiaries the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name clearly readable at 25 feet. A copy of the permit shall be placed in a conspicuous place on the hive.
- (8) Village of Allouez staff shall have the right to inspect any permitted beekeeping equipment between 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper.
- (9) Hives shall be actively maintained. Hives not under active human management and maintenance shall be deemed abandoned and dismantled or removed from Village property by the permit holder.
- (10) In any instance in which a hive exhibits unusually aggressive characteristics, it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- (11) In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.
- (12) Beekeepers shall keep and maintain the following fire-fighting equipment, in good working condition, located at the apiary or in any motor vehicle used for apiary maintenance, so as to be immediately available in case of fire: a shovel, a fire extinguisher or backpack-type fire-fighting pump.
- (13) Bee smokers. Beekeepers shall maintain apiaries free from fire hazards due to use of a bee smokers by complying with the following regulations:

- (a) The bee smoker shall be plugged with a noncombustible or fire-resistive plug, such as metal or hardwood, while being transported to or from an apiary so as to prevent sparks or embers from escaping.
- (b) During hand-carry transport of a bee smoker containing burning or smoldering substances to or from an apiary, the smoker shall be carried in a noncombustible secondary container with the lid securely fastened in the closed position to prevent the smoker from spilling its contents when tipped over.
- (c) During motorized vehicle transport of a bee smoker containing burning or smoldering substances to or from an apiary, the smoker shall be placed in a noncombustible secondary container with the lid securely fastened in the closed position.
- (d) All burning or smoldering substances within a bee smoker shall be completely extinguished with water and cold to touch after use.
- D. Suspension or revocation of permit. The Code ~~and Safety~~ Enforcement ~~Coordinator~~ **Officer** may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.
- E. Appeals. Appeals of permit decisions, including permit denial, suspension or revocation, shall be before the Public Works Committee.
- F. Violations and penalties. Any person who violates this section shall pay a forfeiture of not less than \$10 nor more than \$1,000 for each violation. Each day a violation occurs or continues shall constitute a separate offense.

ON PRIVATE PROPERTY

- A. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

APIARY

Colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations.

BEEKEEPER

A person who owns or has charge of one or more colonies of bees, or is requesting to own or take charge of one or more colonies of bees, and has demonstrated to the **Code Enforcement Officer** that he or she has obtained formal education or sufficient practical experience to act as a beekeeper. An applicant who fails to demonstrate the requisite training or experience will not be issued a beekeeping permit by the Village under Subsection **B**. The determination of whether the applicant has the requisite training and experience will be at the sole discretion of the Village **Code Enforcement Officer**.

COLONY

An aggregate of honey bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including the brood.

FLYWAY BARRIER

An obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers must be six feet in height.

HIVE

The shelter housing a colony of bees, including the combs, honey, and pollen. "Hive" also includes the colony of bees where indicated by the context.

HONEY BEE

All life stages of the common domestic honey bee, *apis mellifera* species.

LOT

A contiguous parcel of land under Village of Allouez ownership.

MASON BEE

All life stages of and is limited to genus *Osmia*.

NUCLEUS COLONY

A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

- B. Permit required. No person shall acquire, keep, or stock honey bees in the Village without being a beekeeper and obtaining a valid permit issued by the **Code Enforcement Officer**. A permit shall be valid unless revoked pursuant to Subsection **H**. The permit process requires submission of a completed application accompanied with a fee as listed under the Village Fee Schedule. **All permits issued shall expire on June 30th of the year following issuance unless revoked**. Permit renewal requires submission of a completed application accompanied with the renewal fee. A late fee of two times the application fee along with the application fee shall be collected from every owner or keeper of honey bees if the owner or keeper fails to obtain a permit prior to acquiring the honey bees. Prior to issuance of a permit, the applicant shall submit to an inspection and demonstrate that all requirements of Subsections **C** and **F** are met.
- C. Proof of notification of adjoining neighbors and site plan. Before an initial or renewal permit is issued, applicants shall furnish to the Village an application, including written proof, in the form of certified letters or a completed Village of Allouez beekeeping neighbor notification form containing the neighbor's signed acknowledgement of notice receipt, that all residents of adjoining or diagonally abutting properties, have been informed that the applicant has applied for a permit hereunder, and informing that any written objections to issuance of the permit should

be submitted to the Village **Code Enforcement Officer** within 14 days of receipt of the application. The Village shall consider all objections and may deny a permit request based on neighbor objections. An applicant, if not the property owner, shall obtain the written consent of the property owner where the apiary shall be kept. An applicant must also submit a scaled dimensional drawing, showing all adjoining structures and property lines together with the proposed apiary, to the satisfaction of the Village.

- D. Permit not transferable. A permit provides permission for honey beekeeping at the address listed in the permit application only and by the permit holder only and shall not be transferred to any other person or location. The beekeeper must also notify the Code Enforcement Officer when a property is going to be vacated.
- E. Removal upon vacation of property. Upon vacating a property, the beekeeper must remove all apiary structures and bees from the property.
- F. Keeping of honey bee hives. A permit authorizes the keeping of honey bee hives on a premises, provided the following requirements are met:
 - (1) No more than **two** hives are allowed on one premise.
 - (2) No hive shall exceed 20 cubic feet in volume.
 - (3) Honey bees are limited to eastern European races of *apis mellifera*.
 - (4) A minimum six-foot-high flyway barrier, consisting of either or some combination of closed fence, semisolid fence, dense vegetation, building, other solid flyway barrier or other barrier which the Code Enforcement Officer deems adequate, between the hive(s) and the property lines for all hives located within 20 feet of the property line. A flyway barrier is not required if the hive or hives are kept at least 10 feet off the ground.
 - (5) A constant and adequate supply of water shall be provided within the enclosure to prevent bees from seeking water sources at a nearby property. The water source shall be designed to allow honey bees to access water by landing on a hard surface. This provision shall not apply during the winter.
 - (6) All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.
 - (7) All hives and related structures that form the apiary shall be located a minimum of 10 feet from all property lines, unless the owner of the adjoining property has provided written permission for closer placement.
 - (8) All hives and related structures that form the apiary shall be located a minimum of 20 feet from all public sidewalks and may not be located in front or side yards.
 - (9) Hives shall be located a minimum of 25 feet from a neighbor's primary dwelling on any

adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

- (10) No honey bees shall be kept on any premises which is a multitenant facility or contains two or more dwelling units, unless consent is given by all tenants.
- (11) Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most-recent permit holder.
- (12) In any instance in which a hive exhibits unusually aggressive characteristics, it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
- (13) In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

G. Right of entry.

- (1) The Code Enforcement Officer, or his or her designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.
- (2) If the Code Enforcement Officer, or his or her designee, finds any hive kept in violation of any requirements enumerated herein, in addition to any other remedy available under this code, he/she may order the violation corrected within 14 days. Notice of violation shall be mailed to both the permit holder and the property owner on which the apiary is located. If the permit holder fails to correct the violation within 14 days, the hive in violation may be destroyed and/or removed from the municipality by the Village, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stats § 66-0627.

- H. Permit revocation. A permit shall be subject to revocation upon failure to comply with any provisions of this section, or if the Village determines that continued maintenance of the hive constitutes a reasonable threat to the general health or safety of others. Once a permit is revoked, a permit shall not be reissued.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 16th day of January, 2018.

James F. Rafter, Village President

ATTEST:

Debra M. Baenen, Village Clerk-Treasurer

DATE OF PUBLICATION: _____