

## Chapter 6.14

### KEEPING OF HONEYBEES

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#### **6.14.010 Purpose.**

The purpose of this ordinance is to establish certain requirements of sound beekeeping practice intended to prevent problems associated with the keeping of bees in populated areas, and to reduce the likelihood of a private or a public nuisance. (Ord 4B-15, 2015).

#### **6.14.020 Definitions.**

For the purposes of this chapter, the following terms have the meaning indicated:

A. "Apiary" shall mean the assembly of one (1) or more colonies of honeybees at a single location.

B. "Beekeeper" shall mean a person who owns or has charge of one (1) or more colonies of honeybees.

C. "Beekeeping equipment" shall mean any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

D. "Colony" or "hive" shall mean an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times many drones including a brood, combs, honey, and the receptacle inhabited by the bees.

E. "Honeybee" shall mean all life stages of the common domestic honeybee, *Apis mellifera* species.

F. "Lot" shall mean a contiguous parcel of land under common ownership.

G. "Nucleus colony" shall mean a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

H. "Undeveloped property" shall mean any idle land that is not improved or not in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith.

I. "Health Department" shall mean the Eau Claire City-County Health Department.

#### **6.14.030 Permit and Fees Required.**

A. Persons that keep bees within the limits of the city 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 property in the City of Altoona without a permit.

B. Applications for a permit to keep or maintain bees will be made on such forms as provided by the City.

C. A permit fee for the 2015-2016 licensing year shall be \$30 and then as established in Addendum "A" of Chapter 3.08: Fees. Applicants shall also pay any and all applicable inspection fees including, but not limited to, health department inspection fees.

D. Permits shall not be transferable or refundable. Only the owner of the proposed permitted real property, or an occupant of the proposed permitted real property with the owner's written permission, is eligible to obtain a beekeeping permit.

E. All permits issued shall expire on March 31<sup>st</sup> of the year following issuance unless sooner revoked.

F. Applicants shall provide the following information on the original application and with each renewal:

1. A detailed lot diagram of the beekeeping equipment location including the distances to property lines and from nearby structures on neighboring properties.

2. Written consent from at least seventy (70) percent of the owners of real estate situated within one hundred (100) feet of the applicant's proposed permitted property.

a. When the proposed location of the beekeeping equipment is within a lot greater than four (4) acres in size, the applicant is exempt from the above neighbor consent requirement if either of the following is true:

i. The applicant provides approval from seventy (70) percent of the occupants of real estate situated within two hundred fifty (250) feet of the beekeeping equipment; or

ii. The applicant demonstrates that the beekeeping equipment is greater than two hundred fifty (250) feet away from any property line.

G. New permits may only be granted subject to the successful completion of a Building Inspector pre-inspection. Permit renewals may only be granted subject to the successful completion of at least one annual inspection by a State Apiary Inspector or a member of a local beekeeping organization approved by the City. Renewal applicants shall provide written documentation evidencing inspection(s).

#### **6.14.040 Conditions and Exemptions for Keeping and Maintaining Hives.**

A. Approval of all applications is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the health department, Building Inspector, or City Police Department. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the health department to safeguard public health and the general welfare, and deemed necessary to reduce the likelihood of public or private nuisance. The number and location of hives, colonies and/or beekeeping equipment used for the housing of honeybees permitted by this section shall be determined by a permit issued by the City of Altoona.

B. Beekeeping equipment shall be restricted to rear yards and side yards and shall be screened to avoid being visible from the street or sidewalk. Beekeeping equipment may also be permitted on a roof provided such equipment is screened from view and is determined by the Building Inspector to otherwise meet the setback and other requirements of this chapter.

C. Beekeeping equipment shall not be allowed on lots with two or more dwelling units unless the health department approves an exemption. An exemption may only be granted where unique circumstances exist in which the keeping of bees is otherwise consistent with both the purpose and requirements of this ordinance and will not interfere with any person's use or enjoyment of the property that person occupies. An exemption may be granted with special conditions and requirements to ensure beekeeping is consistent with the purpose and requirements of this ordinance.

D. Non-honeybees do not qualify for a permit and are not permitted to be kept within the City of Altoona.

E. Beekeeping equipment shall not be located closer than fifteen (15) feet from any of the following:

1. Property line;

2. Public trail.

#### **6.14.050 Standards of Practice.**

Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

A. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. A hive shall not exceed 15 cubic feet in size.

B. Each beekeeper shall ensure that a sufficient and convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

C. 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. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

D. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9-5/8) inch depth ten-frame hive body with no supers attached as required from time to time for management of swarms.

1. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date is acquired.

E. Each beekeeper shall maintain beekeeping equipment in good condition, including keeping the hives painted, and securing 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 honeybees.

F. In apiaries the beekeeper shall conspicuously post a sign including the words "HONEYBEE HIVE" and his/her name and telephone number clearly readable at twenty-five (25) feet. A copy of the permit shall be placed in a conspicuous place on the hive.

G. City of Altoona staff shall have the right to inspect any permitted beekeeping equipment between 7:30 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper.

H. No person is permitted to keep more than two (2) colonies per one-half (1/2) acre up to a maximum of eight (8) colonies.

I. If the beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he/she temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired. A beekeeper engaging in such a practice shall only qualify for this subsection's exemption if the beekeeper provides the City of Altoona written notification no later than seventy-two (72) hours of engaging in such an action.

#### **6.14.060 Fencing of Flyways**

A flyway barrier six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive and shall have all the following characteristics:

A. Consist of a wall, fence, dense vegetation or a combination thereof that is parallel to and three (3) feet to the property line.

B. Extends a minimum length of twenty (20) feet so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

C. Exemptions to the requirement of the construction of a flyway barrier are allowed if any of the following occur:

1. A flyway barrier is not required if all property adjoining the apiary lot line is undeveloped, or is zoned agricultural or non-residential, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line.

2. The health department may provide a flyway barrier exemption if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

3. The health department may approve a shorter flyway barrier if necessary to comply with zoning or other land use restrictions where a shorter flyway barrier will not increase the likelihood of public or private nuisance.

**6.14.070 Inspection and Enforcement.**

A. The health department, the city building inspector or their designee, and the police department may issue compliance orders and citations pursuant to the provisions of this chapter, city code, and state law.

B. Violations of this chapter may constitute a public nuisance under Chapter 8.24 of this Code, or under Wis. Stat. Ch. 823. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance by the City of Altoona or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States, or the City of Altoona Municipal Code. This chapter shall also not be construed as otherwise limiting, in any way, any other action the City of Altoona is permitted to bring under the City of Altoona Municipal Code or the laws of the State of Wisconsin.

**6.14.080 Violation and Penalty.**

Any person who violates this chapter shall, for each violation, forfeit not less than twenty-five (25) dollars nor more than two hundred (200) dollars not including court costs. Each day such violation continues shall constitute a separate offense.