

ORDINANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 34.01 of the Municipal Code (Regulation and Licensing of
Animals) of the City of Sturgeon Bay, Wisconsin is hereby amended as
follows:

34.01 Definitions. The following definitions are created and inserted into proper
alphabetical order and existing definitions are renumbered accordingly:

Apiary means the assembly of one or more colonies of honey bees at a single
location.

Beekeeper means a person who owns or has charge of one or more colonies of
honey bees.

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

Colony means a hive and its equipment and appurtenances, including, honey
bees, comb, honey pollen and brood.

Dwelling unit means a building, or portion thereof, which provides or is intended
to provide living quarters exclusively for one family.

Hive means the receptacle inhabited by a colony that is manufactured or created
for that purpose.

Honey bee means all life stages of, and limited to, the common domestic honey
bee.

Lot means a contiguous parcel of land under common ownership.

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

SECTION 2: Section 34.14 of the Municipal Code (Regulation and Licensing of
Animals) of the City of Sturgeon Bay, Wisconsin is hereby repealed and
recreated as follows:

34.14 - Keeping of bees.

(1) *Permit and Fees Required.*

- (a) Persons that keep bees within the limits of the city must first obtain a permit from the community development department. 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 within the City limits without first obtaining a permit.
- (b) Applications for a permit to keep or maintain bees will be made on such forms as provided by the Sturgeon Bay community development department. Applicants shall provide a detailed lot diagram of the beekeeping equipment location including the distances to property lines and from nearby structures on neighboring properties. A permit fee as established by the common council shall be paid.
- (c) If the application complies with the requirements of sub. (2), the department shall send by regular mail information regarding beekeeping and the proposal to adjacent properties. This information shall include behavior of bees and location of hives on the subject property. It shall be provided to the owners and tenants of all adjacent property within 100 feet of the location of hives on the property and shall advise of the ability to object in writing to the proposed beekeeping.
- (d) If no written objection is received within 30 days of the date of the notice, the permit shall be issued. If a written objection is received, the matter shall be referred to the community protection and services committee for a hearing. After the hearing the committee may approve or deny the permit and may place any conditions deemed appropriate upon an approved permit.
- (e) Permits shall not be transferable or refundable. Only the owner of the lot upon which the hive(s) is proposed to be kept, or an occupant of the lot with the owner's written permission, is eligible to obtain a beekeeping permit. Only one beekeeping permit shall be issued per lot.
- (f) All new permits issued shall expire one year after issuance unless sooner revoked. All renewal permits shall expire three years after issuance unless sooner revoked.

(2) *Conditions for Keeping and Maintaining Hives.*

- (a) Only honey bees (hereinafter referred to collectively and individually as "bees") may be kept under this ordinance.
- (b) Keeping of bees shall not be permitted on lots containing three or more dwelling units (multiple-family dwellings).

- (c) Approval of a permit application is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the city. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the city to safeguard public health and the general welfare, and deemed necessary to reduce the likelihood of public or private nuisance.
- (d) Beekeeping equipment shall be restricted to rear yards and side yards. Beekeeping equipment may also be permitted on a roof provided such equipment is screened from view and is determined by the community development department to otherwise meet the setback and other requirements of this chapter.
- (e) Beekeeping equipment shall not be located closer than 25 feet from any property line.
- (f) No more than two hives are allowed per lot. This maximum may be waived with approval by the community protection and services committee.
- (g) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (h) Each beekeeper shall ensure that a sufficient and convenient source of fresh water is available to the colony.
- (i) 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.
- (j) Each beekeeper shall maintain beekeeping equipment in good condition 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 honey bees.
- (k) For each apiary the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name clearly readable at 25 feet away. A copy of the permit shall be placed in a conspicuous place on the hive.
- (l) City of Sturgeon Bay staff shall have the right to inspect any permitted beekeeping equipment at all reasonable times for any proper purpose. Where practicable, prior notice shall be given to the beekeeper.

(m) Hives shall be actively maintained. Hives not under active human management and maintenance shall be deemed abandoned and dismantled or removed from the property by the property owner.

(n) 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.

(o) 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.

(3) *Permit suspension/revocation.* The City of Sturgeon Bay 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.

(4) *Appeals.* Permit decisions made by the community development departments, including permit denial, suspension or revocation, may be appealed to the community protection and services committee. Permit decisions made by the community protection and services committee may be appealed to the common council.

(5) *Violation and penalty.* Any person who violates this chapter or fails to obtain a permit for beekeeping shall result in the property and apiary to be deemed a public nuisance, and is subject to violations and enforcement within Chapter 11 of this municipal code.

SECTION 3: This ordinance shall take effect on the day after its publication.

Approved:

Thad Birmingham
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk