

City of Waukesha, Wisconsin

Ordinance No. _____-16

**An Ordinance Creating Chapter 33 of the Waukesha Municipal Code, Regarding Animals;
and §33.01 of the Waukesha Municipal Code, Regarding Beekeeping**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Chapter 33 of the Waukesha Municipal Code is created, titled Animals, and shall contain all ordinances relating to animals that should not logically be placed in another Chapter of the Code.

Section 2. Section 33.01 of the Waukesha Municipal Code is created to read in its entirety as follows:

33.01 Beekeeping.

(1) Definitions.

- (a) Beekeeper means a person who legally holds a permit for Beekeeping under this Section 33.01, and who owns or is responsible for one or more Hives or Colonies of bees.
- (b) Beekeeping means the deliberate harboring, keeping and maintenance of Colonies or Hives of Honey Bees.
- (c) Beekeeping Equipment means anything used in the keeping of Bees, such as hive bodies, supers, frames, top and bottom boards, and extractors.
- (d) Colony means a group of Honey Bees consisting principally of workers, but under usual circumstances having one queen and many drones; and including brood, combs, and honey.
- (e) Department means the City of Waukesha Department of Community Development.
- (f) Domestic animal means any animal that is legally kept by any person residing in the City of Waukesha.
- (g) Hive means a container in which a Colony resides.
- (h) Honey Bee means all life stages of the common domestic honey bee, species *apis mellifera*, bred for gentleness and non-swarming characteristics, and excludes any Africanized hybrids.

(i) This Section means Waukesha Municipal Code §33.01.

(2) Permit and Fee Required.

- (a) No person may engage in Beekeeping, or the maintenance of Colonies or Hives, within the City of Waukesha without a permit issued hereunder. Permits shall be issued for the locations at which Hives or Colonies are maintained, and a permit shall be required for each location.
- (b) Permits are not transferable from person to person or from location to location.
- (c) Permits shall be issued by the Department. The Department shall prepare forms to be used for the application and issuance of permits, in conformity with this Section.
- (d) The permit application shall contain the following information: The Beekeeper's name, address, telephone number and email address; the same information for the owner of the Colonies or Hives being applied for, if different than the Beekeeper; the address where the Colonies or Hives will be kept; the number of Hives to be kept; a drawing showing the location of the Hives on the property, including dimensions to boundaries; a drawing of the location of any flyway barriers; and satisfactory proof of completion of a beekeeping course.
- (e) A permit fee or renewal fee shall be paid by the applicant before a permit is issued or renewed. The fees shall be as shown on the Department's Fee Schedule, as amended from time to time.
- (f) Permits shall be good for two years, and may be renewed upon expiration. Renewal shall be accomplished by the completion of a permit renewal application and the payment of a renewal fee.
- (g) Permit renewal may be denied if the Department determines that the Beekeeper has failed to comply with the requirements of this Section, or if the Beekeeper refuses to allow inspection of the Hives by the Department.

(3) General Rules.

- (a) No person may keep Colonies or Hives in the City of Waukesha in any way that causes a public nuisance, causes an unreasonable risk of physical harm to any person or domestic animal, unreasonably interferes with normal activities of persons or domestic animals, or unreasonably interferes with the normal use and enjoyment of any private or public property. Compliance with all of the requirements of this Section shall create a rebuttable presumption of compliance with this subsection.
- (b) No person may intentionally keep colonies or hives of bees other than Honey Bees, except for wild bees that select their hive location naturally.
- (c) All Colonies shall be kept in manufactured, Langstroth-type Hives with removable frames, which shall be maintained in sound and sanitary condition.

- (d) Beekeepers shall allow inspection of Hives by the Department at least once per year, upon reasonable notice from the Department.
- (4) **Location of Hives.**
- (a) Hives shall not be located in front or side yards, and shall be located only in rear yards.
 - (b) Hives shall not be located less than 10 feet, measured at the closest points, from the boundary of the property on which the Hives are located and any other property, unless the properties on either side of the boundary are owned by the same individual or entity, or unless the then-current owner of the adjacent property gives written permission for the hives to be nearer than 10 feet. Such written permission shall be submitted to the Department with the permit application.
- (5) **Maximum Numbers of Hives Allowed.** No person shall keep more than the following numbers of Hives in the City:
- (a) Parcels one-quarter acre or less, two Hives.
 - (b) Parcels larger than one-quarter acre but no larger than one-half acre, four Hives.
 - (c) Parcels larger than one-half acre but no larger than one acre, six Hives.
 - (d) Parcels larger than one acre, eight Hives.
 - (e) Regardless of parcel size, if all Hives are located at least 200 feet in any direction from all boundary lines of the parcel on which the Hives are located, there shall be no limit to the number of Hives.
- (6) **Queens.** Queens shall be selected from European stock bred for gentleness and non-swarmer characteristics.
- (7) **Aggressive Behavior.** If any Colony repeatedly exhibits unusually-aggressive behavior, or exhibits an unusual tendency towards swarming, the Beekeeper shall promptly re-queen the Colony, and if re-queening fails to stop the behavior, remove or destroy the Colony.
- (8) **Maintenance.** Beekeepers shall maintain all Hives and Beekeeping Equipment in a good and sanitary condition, and shall observe at all times the best accepted practices recognized within the beekeeping industry. Beekeepers shall ensure that no honey comb or other materials that might attract wildlife, rodents or vermin are left open on the property. Upon removal from the Hive, all such materials shall be promptly disposed of in a sealed container, or placed within a building or other bee-proof enclosure.
- (9) **Compliance with Other Laws.** Beekeepers shall at all times comply with all other requirements of the Waukesha Municipal Code, including zoning and property maintenance codes; and shall observe all federal, state and local laws applicable to Beekeeping and the production and sale of honey.

- (10) **Inspection.** Beekeepers shall comply with all Wisconsin Department of Agriculture, Trade and Consumer Protection Apiary Inspection regulations requiring inspections of Hives and Colonies. Expenses of inspections shall be paid by Beekeepers.
- (11) **Zoning.** For purposes of applying zoning laws, Beekeeping in strict conformance with the terms of this Section shall be deemed not to be an agricultural use.
- (12) **Violation and Penalties.**
- (a) Conduct not in compliance with this Section is prohibited.
 - (b) Violation of the terms of this Section shall result in the revocation of the Beekeeping permit for the location. Upon revocation, all Beekeeping at the location shall cease, subject to the appeals procedure given in subsection (13).
 - (c) Any person who keeps bees without the permit required by this Section shall be subject to the penalties provided in Municipal Code §25.05, and all Honey Bees, Hives and Colonies belonging to the person or under the person's control shall be ordered removed from the City or destroyed.
 - (d) Any person having the permit required by this Section who violates this Section shall, in addition to having his or her permit revoked, be subject to the penalties provided in Municipal Code §25.05, and in addition, upon second and subsequent violations of this Section, all Hives and Colonies belonging to or under the control of the Beekeeper shall be ordered removed from the City.
- (13) **Appeal of Permit Revocation.** A revocation of a permit by the Department pursuant to subsection (12)(b) may be appealed to the City Administrative Review Appeals Board pursuant to the procedure given in Municipal Code §2.11(3).

Section 3. This Ordinance shall be effective immediately upon its publication.

Passed the 1st day of March, 2016.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk