

ORDINANCE #15-32

CREATING §86-7 DE PERE MUNICIPAL CODE REGARDING
BEEKEEPING

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN

AS FOLLOWS:

Section 1. **§86-7, Beekeeping allowed**, is hereby created as follows:

- (a) *Definitions.* For the purposes of this chapter, the following terms have the meaning indicated:
1. “Apiary” shall mean the assembly of one (1) or more colonies of honey bees at a single location.
 2. “Beekeeper” shall mean a person who owns or has charge of one (1) or more colonies of honey or mason bees.
 3. “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.
 4. “Colony” shall mean a hive and its equipment and appurtenances, including, honey bees, comb, honey pollen and brood. .
 5. “Hive” shall mean the receptacle inhabited by a colony that is manufactured or created for that purpose.
 6. “Honey bee” shall mean all life stages of and are limited to the common domestic honey bee, *Apis mellifera* species of European origin. The Africanized honey bee is prohibited.
 7. “Lot” shall mean a contiguous parcel of land under common ownership.
 8. “Mason bee” shall mean all life stages of and are limited to *genus osmia*.
 9. “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.
- (b) *Permit and Fees Required.*
1. Only honey bees and mason bees (hereinafter referred to collectively and individually as “bees”) may be kept under this ordinance.
 2. 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 De Pere 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 City Health Department.
 4. A permit fee shall be as determined by Resolution of the Common Council and then as stated in City of De Pere fee schedule.
 5. 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. Only one (1) beekeeping permit shall be issued per parcel.

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. A detailed lot diagram of the beekeeping equipment location including the distances to property lines and from nearby structures on neighboring properties.
 - B. Written consent from all adjacent property owners.
8. The applicant shall provide proof of 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 City Health Department pre-inspection.

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

1. Approval of a permit application is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the City Health 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.
2. Beekeeping shall be allowed only in R-1, Single Family Residence and R-2, Two-Family Residence Districts. Only one (1) beekeeping permit shall be issued per parcel which shall be issued on a first come, first served basis.
3. 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 health department to otherwise meet the setback and other requirements of this chapter.
4. Beekeeping equipment shall not be located closer than ten (10) feet from any side-yard property line, five (5) feet from any rear-yard property line, fifteen (15) feet from a public sidewalk, nor twenty-five (25) feet from a principal residential dwelling on an abutting lot.
5. No more than two (2) hives are allowed per property parcel.
6. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
7. Each beekeeper shall ensure that a sufficient and convenient source of fresh water is available to the colony.
8. 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.
9. 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.

10. In apiaries the beekeeper shall conspicuously post a sign including the words “HONEY BEE HIVE” and his/her name clearly readable at twenty-five (25) feet. A copy of the permit shall be placed in a conspicuous place on the hive.
11. City of De Pere staff shall have the right to inspect any permitted beekeeping equipment between 8 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper.
12. 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. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof. A flyway barrier is not required if a bee hive is kept at least ten (10) feet off the ground.
13. 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.
14. 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-swarming characteristics.
15. 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.

(d) *Suspension or revocation of permit.* The Health 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 licensing decisions, including permit denial, suspension or revocation, shall follow the procedures set forth in §106-2(g) of this Code, except that a hearing on the appeal under §106-(2)(g)(2) shall be before the Board of Health Commissioners rather than the Finance/Personnel Committee.

(f) *Violation and penalty.* Any person who violates this chapter shall, for each violation, forfeit such amount as determined by Resolution of the Common Council. Each day such violation continues shall constitute a separate offense.

Section 2. **§106-3, Licenses required under other chapters of this Code**, is hereby amended by adding the following:

(d) Beekeeping License - §86-7

and renumbering the subsequent paragraphs accordingly.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 1st day of
December, 2015.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: 8

Nays: 0

Board/Committee Approval: 11/16/15

Publication Date: December 7, 2015

Effective Date: December 7, 2015