

ORDINANCE

An Ordinance to amend Section 11.220 of the Manitowoc Municipal Code regulating Animal Licenses.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.220(5) is created to read as follows:

““11.220(5) Honeybees.

(a) Definitions.

Apiary means the assembly of one (1) or more colonies of honey bees at a single location.

Beekeeper means a person who owns or has charge of one (1) or more colonies of honey bees.

Colony means an aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs and honey.

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

Honey bee means all life stages of the common domestic honey bee, *Apis mellifera* species of European origin.

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.

Undeveloped property means any idle land that is not improved or 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.

(b) Permit and Fees Required. 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 Manitowoc without a permit.

1. Permit Application and Fees. Application for a beekeeping permit shall be made by the beekeeper upon forms furnished by the City Clerk. Permit fees shall be \$10.00 per premises. The City Treasurer shall assess and collect a late fee of \$5.00 from any owner who fails to obtain a permit within one month of ownership or possession of the colony. The following additional information shall be provided at the time of application and with each renewal:

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

Written consent from at least eighty (80) percent of the owners of real estate situated within one hundred (100) feet of the applicant's proposed permitted property;

Written documentation evidencing successful completion of at least one annual inspection by a State Apiary Inspector or at least one annual inspection by a member of a local beekeeping organization approved by the City;

Written documentation evidencing a general liability insurance policy insuring the beekeeping activity.

2. Permits shall not be transferrable 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. Permits shall expire on December 31st of the year of issuance unless sooner revoked.

(c) Placement. Beekeeping equipment shall be restricted to rear-yards and side-yards and shall be screened to avoid being visible from the street or sidewalk. Hives may not exceed 20 cubic feet in volume. Hives must be at least three (3) feet from any property line, ten (10) feet from any public sidewalk, and at least twenty five (25) feet from a principal building on an abutting lot. Ten (10) feet of space on the permitted lot shall be maintained in front of each hive.

(d) Standards of Practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

1. No more than two hives per lot will be allowed with an allowance for a temporary nucleus colony. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of this portion of the 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 herein for no more than thirty (30) days from the date acquired. A beekeeper engaging in such practice shall only qualify for this subsection's exemption if the beekeeper provides the City written notification within seventy two (72) hours of engaging in such an action.

2. Hives must have a constant and adequate water supply available to the colony.

3. Hives must have a flyaway barrier comprised of a wall, fence, dense vegetation or combination thereof, which is at least six (6) feet tall and which shields any part of a property line that is within twenty five (25) feet of a hive. A flyaway barrier is not required if all property adjoining apiary lot line is undeveloped, or is zone 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.

4. The beekeeper shall conspicuously post a sign including the words "HONEY BEE 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.

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, 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 honey bees.

(e) Inspection and Enforcement.

1. City of Manitowoc 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.

2. Violations of this section may constitute a public nuisance under Section 14.560. Nothing in this section shall be construed as prohibiting the abatement of public nuisance by the City of Manitowoc or its officials in accordance with the laws of Wisconsin, the laws of the United States, or the Manitowoc Municipal Code.

(g) Penalties. Any person who violates this section shall forfeit not less than \$50.00 nor more than \$200.00 plus costs. Each day such violation continues shall constitute a separate offense. Beekeeping

permits may be revoked if any permit holder incurs three (3) or more violations of this section within a 24-month period.”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Minimal: covered within normal operating budget
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/kmm

Drafted by Elizabeth Majerus, Staff Attorney

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