

ORDINANCE NO. 2058

**AN ORDINANCE REGULATING THE KEEPING OF
HONEY BEES IN THE VILLAGE**

At a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, held on this 1st day of February 2016, a quorum being present and a majority of the Board voting therefore, said Board finds:

WHEREAS, honey bees are of benefit by providing agriculture, fruit and garden pollination services and by furnishing honey, wax, and other useful products; and

WHEREAS, the reduction in honey bee populations throughout the State of Wisconsin can have an adverse impact on the environment; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm, and non-aggressive behavior; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located, managed and maintained;

Now, therefore, the Village Board does ordain as follows:

SECTION 1

That Section 389-12 K of the General Ordinances of the Village of Shorewood is hereby repealed in its entirety.

SECTION 2

That Sub-Section 16 of Chapter 192, "Animals," of the General Ordinances of the Village of Shorewood, titled "Keeping of Bees," is repealed in its entirety, and a new Section 192-16 is created as follows, and shall be titled "Residential Beekeeping Permits and Practices":

A. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Section.

- (1) "Apiary" means colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations; also known as a bee yard.

(2) “Beekeeper” means a person who owns or has charge of one or more colonies of bees, or is requesting to own or take charge of one or more colonies of bees, and has demonstrated to the Planning and Development Director that he or she has obtained formal education or sufficient practical experience to act as a beekeeper. An applicant who fails to demonstrate the requisite training or experience will not be issued a bee keeping permit by the Village under subsection B. The determination of whether the applicant has the requisite training and experience will be at the sole discretion of the Village Planning and Development Director.

(3) “Colony” means an aggregate of honey bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including the brood.

(4) “Flyway barrier” means an obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers must be six feet in height.

(5) “Hive” means the shelter housing a colony of bees including the combs, honey, and pollen. Hive also includes the colony of bees where indicated by the context.

(6) “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

B. Permit Required. No person shall acquire, keep, or stock honey bees in the Village without being a beekeeper and obtaining a valid permit issued by the Planning and Development Director. A permit shall be valid unless revoked pursuant to subsection H. The permit process requires submission of a completed application accompanied with a fee as listed under the Village Fee Schedule. A permit must be renewed by April 1 of each year. Permit renewal requires submission of a completed application accompanied with the renewal fee. A late fee of two times the application fee along with the application fee shall be collected from every owner or keeper of honey bees if the owner or keeper fails to obtain a permit prior to acquiring the honey bees. Prior to issuance of a permit, the applicant shall submit to an inspection and demonstrate that all requirements of subsections C and F are met.

C. Proof of Notification of Adjoining Neighbors and Site Plan. Before an initial or renewal permit is issued, applicants shall furnish to the Village an application, including written proof, in the form of certified letters or a completed Village of Shorewood Beekeeping Neighbor Notification form containing the neighbor’s signed acknowledgement of notice receipt, that all residents of adjoining or diagonally abutting properties, including those across an alley, have been informed that the applicant has applied for a permit hereunder, and informing that any written objections to issuance of the permit should be submitted to the Village Planning and Development Department within 14 days of receipt of the application. The Village

shall consider all objections and may deny a permit request based on neighbor objections. An applicant, if not the property owner, shall obtain the written consent of the property owner where the apiary shall be kept. An applicant must also submit a scaled dimensional drawing, showing all adjoining structures and property lines together with the proposed apiary, to the satisfaction of the Village.

- D. **Permit Not Transferrable.** A permit provides permission for honey beekeeping at the address listed in the permit application only and by the permit holder only, and shall not be transferred to any other person or location. The beekeeper must also notify the Planning and Development Department when a property is going to be vacated.
- E. **Removal Upon Vacation of Property.** Upon vacating a property, the beekeeper must remove all apiary structures and bees from the property.
- F. **Keeping of Honey Bee Hives.** A permit authorizes the keeping of honey bee hives on a premise, provided the following requirements are met:
 - (1) No more than four (4) hives are allowed on one premise.
 - (2) No hive shall exceed twenty (20) cubic feet in volume.
 - (3) Honey bees are limited to eastern European races of *apis mellifera*.
 - (4) A minimum 6 foot high flyway barrier, consisting of either or some combination of closed fence, semi-solid fence, dense vegetation, building, other solid flyway barrier or other barrier which the Village Planning and Development Department deem adequate, between the hive(s) and the property lines for all hives located within 20 feet of the property line. A flyway barrier is not required if the hive or hives are kept at least ten (10) feet off the ground.
 - (5) A constant and adequate supply of water shall be provided within the enclosure to prevent bees from seeking water sources at a nearby property. The water source shall be designed to allow honey bees to access water by landing on a hard surface. This provision shall not apply during the winter.
 - (6) All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.
 - (7) All hives and related structures that form the apiary shall be located a minimum of 10 feet from the all property lines, unless the owner of the adjoining property has provided written permission for closer placement.
 - (8) All hives and related structures that form the apiary shall be located a minimum of 20 feet from all public sidewalks, and may not be located in front or side yards.

(9) Hives shall be located a minimum of twenty-five (25) feet from a neighbor's primary dwelling on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

(10) No honey bees shall be kept on any premises which is a multi-tenant facility or contains two or more dwelling units, unless consent is given by all tenants.

(11) Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.

(12) 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.

(13) 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.

G. Right of Entry.

(1) The Planning and Development Director, or his or her designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.

(2) If the Planning and Development Director, or his or her designee, finds any hive kept in violation of any requirements enumerated herein, in addition to any other remedy available under the this code, may order the violation corrected within fourteen (14) days. Notice of violation shall be mailed to both the permit holder and the property owner on which the apiary is located. If the permit holder fails to correct the violation within fourteen (14) days, the hive in violation may be destroyed and/or removed from the municipality by the village and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stat. s. 66.0627.

H. Permit Revocation. A permit shall be subject to revocation upon failure to comply with any provisions of this section, or if the Village determines that continued maintenance of the hive constitutes a reasonable threat to the general health or safety of others. Once a permit is revoked, a permit shall not be reissued.

SECTION 3

That if any subsection, section, or portions of this ordinance or the application thereof to any persons as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof and the validity of the ordinance in all other respects shall not be affected thereby.

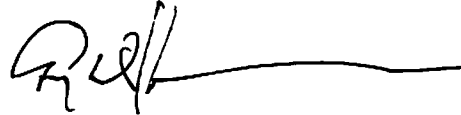
SECTION 4

That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION 5

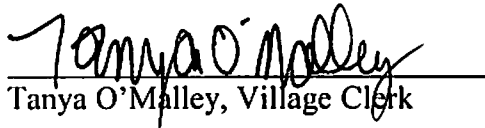
This ordinance shall be in full force and effect after its passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 1st day of February, 2016.



Guy Johnson, Village President

Countersigned:



Tanya O'Malley, Village Clerk