STATE OF WISCONSIN VILLAGE OF FOX POINT MILWAUKEE COUNTY

ORDINANCE NO. 2019-08

AN ORDINANCE TO CREATE SECTION 579-17.7 OF THE VILLAGE OF FOX POINT VILLAGE CODE CONCERNING BEEKEEPING

WHEREAS, beekeeping is currently prohibited in the Village of Fox Point; and:

WHEREAS, honey bees can provide important environmental benefits, through pollination, and can produce honey and other products, in a safe and controlled manner, with no adverse impact on the surrounding property, if properly done and properly regulated; and

WHEREAS, the Village of Fox Point Village Board finds that it is reasonable and appropriate to allow residents in residential districts to engage in small scale hobby beekeeping activities subject to the terms and conditions of this Ordinance.

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin does hereby ordain as follows:

SECTION 1: Chapter 579 of the Village of Fox Point Village Code entitled, "Animals," Article I entitled, "General Regulations," Section 579-17.7 entitled, "Beekeeping," is hereby created as follows:

579-17.7 Beekeeping.

A. Definitions. For purposes of this subsection, the following definitions shall apply.

APIARY
Colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations; also known as a bee yard.

BEEKEEPER
A person who owns or has responsibility for one or more colonies of honey bees.

BEEKEEPING EQUIPMENT
Anything used in the operation of a honey bee apiary, such as hive bodies, honey supers, frames, top covers, and/or bottom boards.

COLONY
An aggregate of honey bees in a hive consisting of workers, but having one queen and potentially many drones, including brood, combs, honey and the receptacle inhabited by the bees.

FLYWAY BARRIER
A barrier at least six (6) feet in height consisting of a solid wall/fence, dense vegetation, or combination thereof that is parallel to the parcel line so that all bees are

forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

HIVE
The structure containing a colony of honey bees.

HONEY BEE
All stages of the common domestic honey bee, Apis mellifera species. Keeping of Apis mellifera scutellata is not permitted under any conditions.

SWARM
For purposes of this chapter, a swarm is a propagation or colony of honey bees outside of its hive.

B. Permit Required. No person shall keep bees in the Village without obtaining a permit upon approval of the Village Manager or his/her designee. The permit process requires a completed application accompanied with the fee payments prescribed in Sections 63-6 LL and MM.

C. Application Form. The applicant shall file a written application to the Village Clerk, that includes all of the following:

(1) Application Form.

(a) A description and drawing that clearly represents the location where the hive(s) will be located on the lot, including a description and depiction of all fencing, and any other structures to be used for the beekeeping use;

(b) A description of the plan to ensure the proper maintenance and cleaning of the hive(s) and the beekeeping operation;

(c) A description of the plan to ensure the proper watering of the bees.

(2) Action on application.

(a) The application shall be provided to the Village Manager who shall provide notice of the application, by regular and certified mail, to the property owner (if not the applicant) and to the owners of all properties that abut the subject property at any point, including those properties that abut an alley, path or right of way directly across from the yard on the subject property where the bees will be kept.

(b) If there are no written objections from such owners within 30 days from the date of mailing of the notices, the application for the permit shall be deemed accepted by such owners and the Manager shall issue the permit if the application is otherwise compliant with the Village Code, including the provisions of this Section 579-17.7.

(c) If there is an objection, there shall be a public hearing before the Plan Commission and the Plan Commission shall approve the application only upon finding that these standards are met:

[1] Appropriate in the location proposed;

[2] Compatible with the neighborhood;

[3] Not detrimental to the property values of surrounding property; and

[4] In keeping with the residential character and quality of the Village.

(d) Any aggrieved party shall have the right to appeal the decision of the Plan Commission to the Board of Appeals.

D. Beekeeping Allowed. Beekeeping is allowed on a single-family residential premises, subject to the following:

(1) No person shall acquire, keep or stock bees in the Village without first obtaining a valid beekeeping permit.

(2) No more than two hives are allowed on a residential lot. The hives forming the apiary structure must be located near each other to form a single apiary. A temporary third hive for hive splitting may be allowed for a reasonable period of time prior to its removal to another location.

(3) All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

(4) A flyway barrier shall be located between the hive(s) and the property lines for all hives located within twenty feet of the property line; except that a flyway barrier is not needed for any bee hive kept at least ten feet off the ground.

(5) All hives and related structures that form the apiary shall not be located in front or side yards and must be no less than twenty feet from the rear yard property line; except that locations closer to the rear yard property line are permitted with a signed written consent of all neighbors abutting the rear property line.

(6) Hives shall be located a minimum of fifty feet from any structures located on another property, including patios, porches, decks, gazebos, swimming pools, and permanently affixed play equipment unless the owner of the lot where such structure is located has provided written consent for closer hive placement.

(7) A beekeeper must continually provide fresh water to bees from a source immediately within the apiary, which allows bees access to water by landing on a hard surface, to prevent bees from seeking water sources at nearby property.

(8) In the event bees in a hive repeatedly exhibit aggressive behavior, it shall be the duty of the beekeeper to remove, destroy or re-queen the hive.

(9) All apiary structures and flyways must be constructed, located and maintained consistent with and in conformity to all applicable provisions of the Village Code, including but not limited to Chapter 745, Zoning, Chapter 756, Building Construction, and Chapter 681, Property Maintenance.

(10) In addition to compliance with the requirements of this section, no one shall keep bees that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

(11) The use shall at all times be conducted pursuant to the plans and representations made in the application.

(12) Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property. No sales of honey, wax or other product shall be made from a residential property.

(13) Persons applying for and receiving a permit for beekeeping thereby consent to the entry of Village staff and Village agents onto the subject property at all reasonable times, to inspect and investigate the property, the hive(s), and the bees for purposes of determining compliance and for enforcement of this Code.

(14) Costs that the Village may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's beekeeping, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to Wisconsin Statutes Section 66.0627, and Chapter 67, Article III of this Code

E. Public Health Requirements. Bees shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases.

(1) Any beekeeper shall immediately report any unusual illness or death of bees to the health department.

(2) The North Shore Health Department or its agents may order testing, quarantine, isolation, vaccination or humane euthanasia of bees believed to be carriers of a communicable disease.

(3) The requirements of Wisconsin Statutes Section 94.76, et seq. and any applicable State regulations shall be followed at all times.

F. Effect of Permit. The permit shall allow the applicant to keep up to two hives on the subject property in compliance with this Section. A new permit is not required for the applicant to raise new or replacement bees on the property, provided that the total shall not exceed two

hives at any time. The permit shall lapse automatically if no bees are kept on the property for any consecutive 12-month period. The permit is not transferable from the applicant to any other person, and does not run with the land to a new owner of the property.

G. Revocation. A permit is subject to revocation by the Village Manager or designee upon failure to comply with any provisions of subsections D. or E. Once a permit is revoked, a permit shall not be reissued to the applicant or for any property where the applicant resides or may reside in the Village.

H. Duration. The permit issued pursuant to this Section shall have a duration of one year, unless the permit is revoked or lapses pursuant to the provisions of subsections F. or G., above, prior to the expiration of said term.

I. Removal. The bees shall be immediately removed from the property upon lapse, revocation or expiration of the permit for keeping bees. All hives, including any bee structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit for beekeeping.

SECTION 2: Chapter 63 of the Village of Fox Point Village Code entitled, "Fees," Section 63-6 entitled, "Miscellaneous Fees," Subsection LL entitled, "Beekeeping Application Fee" is hereby created as follows:

LL. Beekeeping Application Fee. The fee to apply for beekeeping in the Village shall be $100.00.

SECTION 3: Chapter 63 of the Village of Fox Point Village Code entitled, "Fees," Section 63-6 entitled, "Miscellaneous Fees," Subsection MM entitled, "Beekeeping Fee, Annual" is hereby created as follows:

MM. Beekeeping Fee, Annual. The annual fee for a beekeeping permit shall be $25.00 per year.

SECTION 4: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect upon posting and publication as provided by the law.

Adopted, passed, and approved by the Village Board of Trustees of the Village of Fox Point, Milwaukee County, Wisconsin, this 13th day of August, 2019.

Douglas H. Frazer, Village President

Attest:

Kelly A. Meyer, Village Clerk

Published and/or posted this 15th day of August, 2019

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