



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: Sustainability Committee and Public
Services and Safety Committee
Re: Creating Chapter 3, Article IV permitting bee
keeping, providing for registration of apiaries;
and amending Sec. 10-3(15) to permit
registered apiaries in the City

ORDINANCE NO. 2017-05B

Introduced: March 15, 2017

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

Preamble

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, and to Wisconsin in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Wisconsin is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; 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, characteristics which are desirable to foster and maintain; 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 and carefully managed;

NOW THEREFORE, the Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. The findings contained in the preamble of this ordinance are hereby adopted as an uncodified part of this ordinance.

Section 2. Chapter 3, Article IV, Bee Keeping, of the Code of Ordinances of the City of Neenah is created to read as follows:

ARTICLE IV BEE KEEPING

Sec. 3-40 Purpose

The purpose of this Article is to allow small-scale beekeeping on lots within the city and establish standards and requirements for beekeeping in order to avoid issues that might otherwise be associated with beekeeping in neighborhoods. Honeybees are critical pollinators for flowers, fruits and vegetables. Managed colonies of bees help to increase yields and quality of a large variety of plants commonly found in backyard gardens, parks, and natural areas. A growing interest in renewable resources has prompted more people to take up beekeeping as a way to produce their own honey, beeswax, pollen and other hive products that are high in nutritional value. Domestic strains of honeybees have been selectively bred for desirable traits so that they can be kept within populated areas and in reasonable densities, without causing a nuisance if the bees are properly located and carefully managed. By providing a "best practices" ordinance for small-scale ("hobby") beekeeping on properties, the City can support a sustainable activity while setting standards that are practical for beekeepers and safe for neighbors.

Sec. 3-41 Registration Required

- a) *Application.* Prior to establishing any Apiary, a property owner or tenant shall register with the Department of Community Development and Assessment (the "Department"). The Department shall prescribe the form of registration required. At a minimum, the registration shall require the following information:
 - 1) Name and address of the applicant Beekeeper.
 - 2) The address of the Apiary and whether the Beekeeper owns or rents the location. If the Beekeeper rents the location of the prospective Apiary, the property owner shall sign a statement on the application indicating the owner's consent to establish an apiary on the owner's property.
 - 3) A copy of the notice required under §3-43(a) and evidence that shows the notice was provided as required.
 - 4) A diagram showing where on the property the apiary will be located.
 - 5) Such other information as the department shall prescribe to aide in the enforcement of this Article.
- b) *Inspection.* Prior to accepting registration under this section, the Department shall inspect the proposed location of the Apiary to determine if it meets the standards outlined in this Article.
- (c) *Registration Fee.* The fee for registering an Apiary shall be in the amount established by Common Council.
- (d) *List of Registered Apiaries.* The Department shall maintain a list of registered apiaries located in the City which shall be open to public inspection.

Sec. 3-42 Standards & Practices

The following criteria constitute standards and practices that, when applied to small-scale beekeeping, protect the health, safety, property and welfare of the general public.

- a) *Number of hives.* One hive or colony per 5000 square foot of lot size to a maximum of six hives allowed on any lot within the City.
- b) *Location.* Hives are allowed only within side or rear yards. In all cases, a minimum setback of 10 feet must be maintained between any property line and the closest point of any hives. Hives shall also be located at least 25 feet from any neighboring

dwelling. Hives located within 25 feet of a property line must be shielded with a minimum six-foot height flyway barrier installed within ten (10) feet of the hive. The flyway barrier may consist of a solid wall, fence, dense vegetation, or combination thereof that extends 10 feet beyond the outer edges of the hives in each direction so that all bees are forced to fly over the material to reach the colony.

- c) *Water supply.* Every beekeeper shall ensure that a convenient and constant supply of water is provided near the hives for as long as colonies remain active outside of the hives.
- d) *Best practices.* The Department shall develop suggested best practices for operation of any small-scale beekeeping operation in the City to be incorporated as part of the registration required under §3-41 of this Code.
- e) *Africanized honeybees avoidance practices.* In any instance where a colony is found to exhibit aggressive behavior, it shall be the duty of the beekeeper to immediately destroy or re-queen the hive with certified European stock.

Sec.3- 43 Administration and Enforcement.

A beekeeping registration must be received and approved by the City before a property owner or tenant can begin beekeeping operations.

- a) *Neighbor notification.* Prior to registration, the applicant/beekeeper will be required to notify all neighbors whose properties share a common lot line with the property where beekeeping will take place.
- b) *City inspections.* The Department of Community Development and Assessment is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the beekeeping ordinance. The Department may revoke a registration approval if there have been three or more violations of the ordinance within any six-month period.
- c) *Effect of compliance.* Compliance with this section shall not be a defense to a proceeding alleging that a given bee colony is in violation of other codes or ordinances governing public nuisances, or public health and safety. However, compliance with this section may be offered as evidence of the beekeeper's efforts to abate any proven nuisance, or as evidence of the beekeeper's compliance with generally accepted standards of practice among small-scale hobby beekeepers in the State of Wisconsin.
- d) *Registration Appeal.* Abutting neighbors of a proposed or previously registered apiary may appeal to the Public Services and Safety Committee to revoke or deny a registration approval based on a documented Anaphylaxis medical condition of one or more of the occupants residing at an abutting property. In the event that the Committee finds a documented Anaphylaxis medical condition exists at an abutting property, it may revoke or refuse to register the adjoining apiary.

Section 3. Sec. 10-3(15) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- 15) *Raising of bees.* It shall be unlawful for any person or persons to raise bees, except mason bees, within the City without registering and operating their apiary pursuant to Chapter 3, Article IV of this Code. Notwithstanding the foregoing, mason bees (genus *Osmia*), due to their benefits for pollination and limited stinging threat, may be raised and/or kept within the City without registering, provided any mason bee house be located a minimum of three feet from the lot line.

Section 4. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 5. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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