

ORDINANCE NUMBER #2020-477
AN ORDINANCE CREATING ARTICLE VIII OF CHAPTER 6
OF THE CODE OF ORDINANCES OF THE CITY OF MILTON

WHEREAS, residents of the City of Milton have expressed an interest in the city providing a process for the permitting of the keeping of honeybees in residential districts of the City of Milton; and

WHEREAS, the Common Council of the City of Milton having determined that permitting the keeping of honeybees in residential areas of the City of Milton can be appropriate if the keeping of honeybees is properly permitted and monitored in order to minimize the impact on adjoining properties from the keeping of honeybees, and to prevent the creation of public nuisances on residential properties which may result from the keeping of honeybees.

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

Section I. Article VIII of Chapter 6 of the Code of Ordinances of the City of Milton is hereby created to read as follows:

Article VIII. Keeping of Bees.

Sec. 6-230. Prohibition Against Keeping of Honeybees.

No person may keep honeybees on property not zoned agricultural without compliance with all of the requirements of this article.

Sec. 6-231. Permit Required.

A permit issued by the city is required for the keeping of honeybees.

Sec. 6-232. Permit Application Process.

- (a) The application for a permit for the keeping of honeybees shall be on forms provided by the city clerk. The completed application is to be filed with the city clerk accompanied by a scale drawing showing the location of the proposed hives and distances from the hives to the boundaries of the property and to any structures on adjoining parcels. Payment of the required fee must accompany the application.
- (b) Upon receipt of the completed application and fee, the city clerk will provide written notice of the application to all owners of property within a circular area having a radius of 200 feet from the center of the parcel to which the permit applies. The notice will state that the property owners have fourteen (14) days from the date of the notice to notify the city in writing of their objection, if any, along with a request for a hearing on the application. The notice to the owners will be sent by First Class U.S. Mail.
- (c) If a timely written objection and request for hearing is received by the city clerk, the common council will hold a hearing within fourteen (14) days of the receipt of the objection and request. At the hearing the applicant and the objectors will each be permitted to provide the common council with evidence in support of their position. Following the hearing the common council will render its decision on whether to grant the permit. The decision will be reduced to writing and mailed to the applicant and objectors within ten (10) days of the completion of the hearing.

Sec. 6-233. Permit Requirements.

- (a) Only honeybees which are of the Eastern European genus of *Apis mellifera* are permitted.
- (b) Maximum of two (2) hives per parcel.
- (c) Honeybees shall be kept in hives with removable frames or with other construction approved by the city, and shall be kept in sound and usable condition.
- (d) A minimum six foot closed fence, closed hedge, building or other flyway barrier or other barrier of sufficient height approved by the city, must be located between hives and all property lines within twenty (20) feet of the hives. A flyway barrier is not required if the hive is located not less than ten (10) feet above ground level.
- (e) Hives and related structures that form the apiary must have a minimum twenty (20) foot front yard setback and a minimum ten (10) foot side yard and ten (10) foot rear yard setbacks.
- (f) Hives must be located a minimum of twenty-five (25) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and other habitable areas on adjoining parcels unless the owner of the adjoining parcel has provided written permission for closer hive placement.
- (g) Hives must be provided with a constant source of fresh water designed to allow bees to access the water by landing on a hard surface. This requirement does not apply during the period of time while bees are in hibernation.
- (h) Hives must be actively managed. If not actively managed and maintained, hives must be dismantled or removed.
- (i) If the bees in a hive exhibit unusually aggressive characteristics, the permit holder must destroy or re-queen the hive. Queens must be selected from stock bred for gentleness and non-swarming characteristics.
- (j) No permit holder shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of the life of others on public property or the property of others.
- (k) The permit holder must provide verification of beekeeper training.
- (l) Hives may be located on residential property only.

Sec. 6-234. Permit Denial.

The denial of a permit by the clerk for failure to comply with the requirements of Sec. 6-233 may be appealed to the common council by filing an appeal with the clerk, stating the grounds for the appeal. The common council may, in its discretion, waive or modify the requirements of Section 6-233 consistent with professional practice guidelines promulgated by the University of Wisconsin System, Rock County Extension or similar professional or academic sources.

Sec. 6-235. Fee

The permit fee shall be in an amount established from time-to-time by resolution of the common council.

Sec. 6-236. Permit Revocation.

A permit shall be subject to revocation upon failure to comply with any provision of this article. If a permit is revoked it shall not be reissued.

Sec. 6-208. Penalty.

In lieu of or in addition to revocation of the permit, the violation of any provision of this article shall be subject to the penalties provided in Section 6-3. Each continuing day of the violation will constitute a separate violation.

Section II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Common Council of the City of Milton this _____ day of _____, 2020.

CITY OF MILTON

Anissa Welch, Mayor

Attest:

Leanne Schroeder, City Clerk

1st Reading: _____
2nd Reading: _____
3rd Reading: _____

Date Adopted: _____
Date Published: _____
Effective Date: _____

Effect of Ordinance: Provides for the issuance of a permit to allow the keeping of bees in residentially-zoned districts.