

ORDINANCE No. 9.18

AN ORDINANCE FOR BACKYARD BEEKEEPING

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION I. Whitewater Municipal Code Chapter 9.18 is hereby created to read as follows:

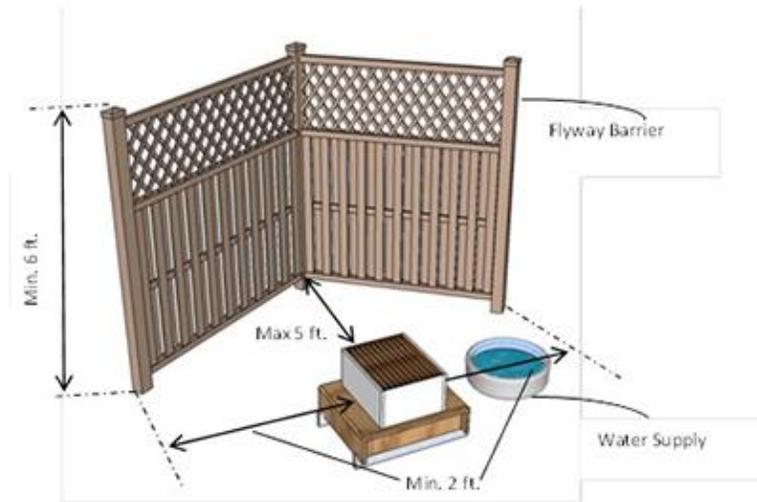
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9.18.010 Purpose.

The following regulations will govern the keeping of honey bees and are designed to prevent nuisances and prevent conditions that are unsafe. No person shall keep honey bees unless the following regulations are followed:

- (1) Number. No more than 3 colonies of honey bees shall be allowed for each principal structure. There may be maintained on the same property, one additional nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers attached as required from time to time for management of splitting colonies or captured swarms. Each such nucleus colony shall be moved, disposed of, or combined with an authorized colony within 30 days after the date it is acquired. If the beekeeper serves the community by removing a swarm or swarms of honey bees from a locations where they are not desired at the request of a property owner or City of Whitewater employed staff, a beekeeper may maintain these swarm colonies on their property and not be considered in violation of the portion of this ordinance limiting the number of colonies while temporarily housing the swarm for no more than 30 days after the date the swarm is acquired. Two (2) additional colonies per acre would be allowed for every property one (1) acre or larger in size.
- (2) Setbacks. Beehives shall be kept at least thirty (30) feet from any principal structure other than the owner's principal structure. Beehives shall not be located within five (5) feet of a side-yard or rear-yard lot line. Beehive entrances shall face away from the property line of the residential lot closest to the beehive. Beehives shall not be located in the front yard.
- (3) Enclosure. Honey bees must be maintained in beehives with removable combs for inspection purposes. Both langstroth and top bar beehives are acceptable structures. The beehive structures must be maintained in good repair.
- (4) Flyway barrier. For any beehive placed within thirty (30) feet of a developed public or private property line, as measured from the nearest point of any hive to the property line, a six (6) foot tall flyway barrier must be constructed and must extend at least ten (10) feet on either side of the nearest beehive. The flyway barrier is defined as a solid or closely slatted fence (no more than three (3) inches between slats), wall, dense line of vegetation, or combination thereof. The purpose of the flyway barrier is to raise the flight path of bees leaving the beehive, thereby

limiting their interactions with nearby residents. The requirement will be waived, however, if the beehive is placed on an elevated porch, balcony, or roof top that is at least ten (10) feet off the ground and at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent dwelling or occupied structure. The flyway barrier shall still be required for an elevated porch, balcony, or roof top if the adjacent property has a similar elevated porch, balcony, or roof top.



- (5) Water sources. Because the most common nuisance complaint of urban honey bees is bees congregating at nearby water sources such as bird baths, pet water bowls, and pools, beekeepers must maintain two (2) water sources on their property and each water source shall be continually filled with water when the bees are active outside the hive (water source may cease in the winter months). At least one of the two (2) water sources shall be placed within twenty (20) feet of the beehives. Suggested water sources would include a bird bath that is regularly filled with water and/or a chicken waterer – each filled with stones to allow bees to perch near the water.
- (6) Beekeepers shall ensure that no empty beehives, bee comb, or other materials that might encourage robbing are left upon the property. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure. No open feeding of honey bees is allowed.

9.18.020 Permit.

A permit shall be required to keep honey bees in the City of Whitewater. An application for a permit must contain the following items:

- (1) The name, phone number, and address of the applicant.
- (2) The location of the subject property.
- (3) A proposal containing the following information.
 - (A) A description of beehives and required flyway barriers, providing dimensions and the precise location of beehives and flyway barrier in relation to property lines and adjacent properties.
 - (B) The application fee charge for the permit shall be ten dollars. There shall be no charge for renewal of the permit.

- (4) If the applicant proposes to keep honey bees in the yard of a rented dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping honey bees on the premises.

9.18.030 Permit Renewal.

Permits will be granted on an annual basis (unless this section is repealed). If the permittee follows the terms of the section, the permit will be presumptively renewed (unless this section is repealed) and the applicant may continue to keep honey bees under the terms and conditions of the initial permit. The city neighborhood services director may refuse to renew or may revoke the permit at any time, (after giving the permittee fifteen (15) days' notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this section, or if the neighborhood services director finds that the permit holder has not maintained beehives or provided the required two (2) water sources that are continuously containing water. If the honey bee ordinance is repealed, no party shall have the right to keep honey bees based on a nonconforming use status obtained under this section.

9.18.040 Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than fifty dollars or more than one hundred dollars for the first offense; and for the second offense within year, shall be subject to a penalty of not less than one hundred (\$100.00) dollars or more than two hundred (\$200.00) dollars; and for a third and subsequent offenses within one (1) year not less than two hundred (\$200.00) dollars or more than three hundred (\$300.00) dollars, together with the costs of prosecution.

(Ord. No. , § 1,)