

ORDINANCE NO.: 4980

AN AMENDED ORDINANCE to amend Section 6-1 and to create Section 6-18 of the Code of Ordinances of the City of La Crosse to allow beekeeping.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 6-1 is hereby amended to create the following definitions:

Sec. 6-1. – Definitions

Apiary means the assembly of one (1) or more colonies of honeybees at a single location.

Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times, drones, brood, combs and honey.

Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

Honeybee means all life stages of the common domestic honeybee, *A pis mellifera* species of European origin.

Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

All other provisions of Section 6-1 shall remain unchanged.

SECTION II: Section 6-18 is hereby created to read as follows:

Sec. 6-18. – Beekeeping.

Residents may own, keep or harbor honeybees for personal use subject to the provisions of this Code.

(a) License requirement.

(1) Any person who owns, keeps, or harbors bees in the City shall obtain a license prior to January 1 of the first year or within 30 days of acquiring the bees. The term of a license commences on January 1 of the year of application and ends December 31 of the fifth year of the licensure period. Residents deciding to own, keep or harbor bees for successive years must obtain a new license for each 5-year term.

(2) First time applicants must receive written approval from not less than 50 percent of the owner-occupied neighboring property owners whose property is within 100

feet of the applicant's property lines prior to approval of said license by the Common Council. If the applicant fails to obtain written consent as provided herein, then the license shall only be granted by an affirmative supermajority vote of 3/4 of the Common Council. The neighboring property owners shall be notified via mail by the City Clerk of the opportunity to object in person or in writing and no less than five (5) business days prior to the Judiciary & Administration meeting.

(3) Applications shall be made to the City Clerk and the fee for the license shall be in the amount established by resolution.

(4) The Director of Finance/Treasurer shall collect the fee prior to application or renewal.

(5) The City of La Crosse and its officers may revoke a license if there are three (3) or more violations within any consecutive 24-month period of this or any other section of this Code.

(6) All applicants must notify the owner or operator of the property if the applicant is not the owner or operator. Additionally, all applicants must notify the other occupant of a two-family dwelling if the occupant is not the owner. Notification is not required for renewal of a permit.

(7) For renewal applications, licenses may be obtained by approval of the Judiciary and Administration Committee without Common Council approval.

(b)(a) Location. The apiary shall be located in the rear yard or side yard at least twenty-five (25) feet from primary buildings on abutting lots and ten (10) feet from public sidewalks.

(b)(c) Flyway Barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. The flyway barrier does not surround the entire property.

(1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier ~~at least~~ six (6) feet in height. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height ~~or higher~~. The flyway barrier must continue parallel to the property line of the lot upon which the apiary is located for ten (10) feet in either direction from the hive.

(2) A flyway barrier is not required if the property adjoining the property upon which an apiary is located is undeveloped, zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no trails located within twenty-five (25) feet of the apiary.

- (3) A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story, provided all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

~~(c)~~(d) *Colony Density.* No person is permitted to keep more than two (2) colonies on any lot within the City, except on lots of five (5) acres or more where no more than four (4) colonies may be kept.

~~(d)~~(e) *Liability.* Beekeeper shall assume any and all liability for their bees and therefore are advised to determine whether their homeowners or renters insurance covers bees, and secure additional insurance if necessary.

~~(e)~~(f) *Unlawful Conduct.*

- (1) Notwithstanding compliance with the various requirements of this ordinance, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
- (2) It shall be unlawful for any beekeeper to own, keep or harbor any exotic strain of bees, such as any African or Africanized honeybees, or any developed strain of bee not known to be normally present in the State that may present a hazard to beekeeping and/or the public.
- (3) Notwithstanding compliance with the various requirements of this ordinance, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.
- ~~(d) Notwithstanding compliance with the various requirements of this ordinance, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.~~
- (4) If an investigation from the City reveals that the use of bees is in violation of this section or any other section of this Code the City shall have authority to require the owner or user of the property to fix, abate, or alleviate the problem.

~~(f)~~(g) *Standards of Practice.*

- (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property and shall not be permitted to become stagnant.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the

apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

- (4) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths inch (9 5/8") depth ten-frame hive body with no supers (where the surplus honey is stored).
- (5) Beekeepers are advised to pursue coursework through the La Crosse Area Beekeepers Association or similar educational source.
- ~~(6) Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.~~

~~(g)~~(h) *Maintenance.* Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. Attracting a swarm, even if the beekeeper is not intentionally keeping honeybees, shall be a violation of this ordinance. The beekeeper will have 30 days from the time of any complaint to bring the hive/hives into compliance.

SECTION III: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION IV: This ordinance shall take effect and be in full force from and after its passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 4/13/17
Approved: 4/18/17
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