

ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE to create Subsections 15.04(P) and 20.22(HH) of the Code of Ordinances of the City of La Crosse to permit beekeeping as an accessory use in residential, commercial district with residential uses, and public and semipublic districts.

SECTION I: Subsection 15.04(P) is hereby created to read as follows:

(P) BEEKEEPING.

Beekeeping may be permitted as an accessory use in residential, commercial district with residential uses, agricultural, conservancy, and public and semipublic districts, provided that beekeeper has obtained a beekeeping license through the City pursuant to Subsection 20.22(HH). Properly located honeybee hives can be kept and maintained safely in reasonable densities without creating a nuisance. The intent of this subsection is to enhance urban plant life through increased pollination and to allow for small-scale honey and wax production for personal use.

SECTION II: Subsection 20.22(B) (32)-(35) are hereby created to read as follows:

- (32) Apiary. The assembly of one (1) or more colonies of honeybees at a single location.
- (33) Beekeeper. A person who owns or has charge of one (1) or more colonies of honeybees.
- (34) Beekeeping equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (35) Honeybee. All life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- (36)
  - (a) Colony. An aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
  - (b) Hive. The receptacle inhabited by a colony that is manufactured for that purpose.
  - (c) Nucleus Colony. A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
  - (d)

SECTION III: Subsection 20.22(HH) is hereby created to read as follows:

(HH) BEEKEEPING LICENSE.

- (1) License Required. Any person who owns, keeps, or harbors honey bees in the City of La Crosse shall obtain an annual license from the City Clerk prior to January 1 of each year, or within thirty (30) days of acquiring honey bees. The term of a license commences on January 1 and ends the following December 31. Residents deciding to own, keep, or harbor honey bees for

successive years must obtain a new license for each term year they own, keep, or harbor such honey bees.

- (2) Application. Applicant shall submit a beekeeping application to the Planning and Development Department. The application shall include a fee, owner authorization, neighbor consent, and site map.
- (3) Fee. The application will not be processed until all fees are paid up front. The application fee shall be made payable to the City Treasurer in accordance with Section 25.01 of the Code. if the owner fails to obtain a license prior to April 1 of each year or fails to obtain a license within thirty (30) days of acquiring the honey bees, The Treasurer shall collect the fee and shall assess and collect a late fee.
- (4) Owner Authorization. All applicants must notify the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a permit.
- (5) Neighbor Consent. Applicant are encouraged to secure the written consent of at least eighty (80) percent of the occupants of real estate within one hundred (100) feet of the applicant's real estate, and one hundred (100) percent of the occupants of properties immediately adjacent to the applicant's real estate.
- (6) 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.
- (7) 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.
  - (a) 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 apiary lot line for ten (10) feet in either direction from the hive.
  - (b) A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line.
  - (c) A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if 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.
- (8) Colony Density. No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
  - (a) One-half ( $\frac{1}{2}$ ) acre or smaller lot: Two (2) colonies;

- (b) Larger than one-half ( $\frac{1}{2}$ ) acre but smaller than three-quarter ( $\frac{3}{4}$ ) acre lot: Four (4) colonies;
  - (c) Larger than three-quarter ( $\frac{3}{4}$ ) acre lot: Six (6) colonies;
- (9) Swarm Removal. If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.
- (10) Proficiency and Liability. Applicant shall have demonstrated beekeeping proficiency or have completed beekeeping coursework through the La Crosse Area Beekeepers Association or similar educational coursework. Applicant shall assume any and all liability for their bees and are strongly encouraged to secure additional insurance.
- (11) Revocation. The Division of Building and Inspections of the Fire Department Inspection Bureau shall be charged with enforcing this subsection. The City may revoke a license if there are three (3) or more violations of this subsection within any consecutive twelve (12) month period from the date of the first offense.
- (12) Unlawful Conduct.
  - (a) Notwithstanding compliance with the various requirements of this subsection, 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.
  - (b) It shall be unlawful for any beekeeper to own, keep or harbor any exotic strain of bees, such as any African or Africanized honey bees, 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.
  - (c) 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.
  - (d) 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.
- (13) Standards of Practice.
  - (a) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
  - (b) Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 [or other specific dates] of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property. 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.

- (c) For each colony permitted to be maintained under this article, 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 (9 5/8) inch depth ten-frame hive body with no supers (where the surplus honey is stored).

- (14) 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.

(15)

SECTION II: Subsection 25.01 is hereby amended to read as follows:

<b>20.22 (GG) (1)</b>	Chicken License:	
	License	10.00
	Late Fee	25.00
<b>20.22 (HH) (3)</b>	<u>Beekeeping License:</u>	
	<u>License</u>	<u>10.00</u>
	<u>Late Fee</u>	<u>25.00</u>
<b>20.23 (C)</b>	Horse Drawn Vehicle	

All other provisions of Section 25.01 shall remain unchanged.

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

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Tim Kabat, Mayor

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Teri Lehrke, City Clerk

Passed:

Approved:

Published: