

ORDINANCE NO. 3581 (As Amended)**AN ORDINANCE AMENDING CHAPTER 216, ANIMALS, CHAPTER 433, LICENSES AND PERMITS, AND CHAPTER 720, ZONING OF THE CODE OF THE CITY OF FOND DU LAC REGARDING KEEPING OF HONEYBEES**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 216, ANIMALS, Section 216-1., **Definitions.**, ANIMAL, is hereby amended to read as follows:

ANIMAL — Every living warmblooded creature, except a human being, and every reptile or amphibian. For regulatory purposes, this definition includes honeybees.

Section 2. That Chapter 216, ANIMALS, Section 216-14., **Species prohibited within City.**, is hereby amended to read as follows:

§ 216-14. Species prohibited within City.

The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance within the City and may not be kept by any person within the City limits: including all cattle, horses, mules and donkeys, sheep, goats and swine, and also all mink, foxes, skunks, raccoons, chickens, ducks and geese.

Section 3. That Chapter 216, ANIMALS, Section 216-22., **Keeping of Honeybees.**, is hereby created to read as follows:

§ 216-22. Keeping of Honeybees.

A. **Definitions.** As used in this section, the following terms shall have the meanings indicated:

APIARY — A place where honey bee colonies are kept.

HONEY BEE — Any live state of the common domestic honey bee, *Apis Mellifera* species.

COLONY — A hive and its equipment and appurtenances, including, honey bees, comb, honey pollen and brood.

HIVE — A structure intended for the housing of a honey bee colony.

- B. No person shall keep honeybees or establish or maintain any hive, upon any premises within the City limits without a valid permit approved by the City Clerk or his/her designee.
- C. Permit.
- (1) A permit shall be issued only to the primary owner(s) of record of a single family residence located in a residential zoning district. The property owner/permittee shall reside on the premises regulated by the permit. The propagation of honeybees for commercial purposes, and/or any other activities and/or non-residential uses including the sale of honey, is not permitted.
 - (2) The permit application shall include a diagram describing the location of the hive, stand or box in relationship to lot boundaries, the barrier and water supply as required by this Section and Section 720-11., of the Code. The City Clerk or his or her designee may review the plan with staff before issuing the permit.
 - (3) The applicant shall mail the permit application to all adjacent property owners with instructions on how to contact the City Clerk to object. Any adjacent owner/occupant may object if they believe a bee hive would be detrimental to their health. Any adjacent owner/occupant may present a medically documented allergy to the City Clerk and request that the permit be denied.
 - (4) All permits shall be issued for a term of one year, commencing with the first day of January of each year and terminating as of 12:00 midnight on the last day of the permit period. Application for permits may be made from January 1 through March 31st of each year without a late fee. A permit that is not renewed shall be considered expired.
 - (5) The permit information shall be attached to one of the hives, which shall include a name, permit number and an emergency contact telephone number.
 - (6) Permit, late fee and renewal fees shall be paid in accordance with the fee schedule set by resolution of the City Council.

- (7) A permit shall expire at such time as the permittee no longer maintains hives at the permitted address.
- (8) Revocation. A permit may be revoked by the City Clerk or his/her designee at the request of the Chief Building Inspector, Fire Inspector, Fire Chief, Police Chief, or any of their designees for any of the following reasons:
 - (a) Failure to comply with any of the provisions of this section of the Code.
 - (b) Where the keeping of honeybees is determined to create a nuisance as defined by Chapter 476 of the Code.
 - (c) Where it is determined that the keeping of honeybees is detrimental to the life or health of an adjacent property owner. A written Doctor's report of an allergy is proof that it would be detrimental.
 - (d) Failing to notify an adjacent property owner(s) about the requested permit.
 - (e) Once revoked, a permit shall not be reissued for a two (2) year period.
- (9) Any applicant whose permit application has been denied or revoked under the provisions of this Ordinance shall have the right to appeal said denial.
- (10) Any permit holder who has his or her permit revoked must within 96 hours have the honeybees and hive(s) properly removed from such property.

D. Standards.

- (1) No more than two (2) hives are permitted on a lot. The total volume of the hives shall not exceed 20 cubic feet.
- (2) A constant supply of water shall be provided on-site within 3 feet of a hive. Watering facilities may not promote stagnant water. The use of a swimming pool and/or spa, bird bath, decorative pond, stormwater pond or similar facility for a watering facility shall be prohibited.

- E. Education. The permit applicant shall have at least seven hours of beekeeping education/training from a local technical college or university. Proof of education/training shall be provided with the permit application.
- F. Schools. Nothing in this section shall be deemed or construed to prohibit the keeping of honeybees in a hive, stand or box located within the premises of a public or private school or university for the purpose of study or observation.

Section 4. That Chapter 216, ANIMALS, Section 216-22., **Violations and penalties.**, is hereby renumbered as Section 216-23.

Section 5. That Chapter 433, LICENSES AND PERMITS, Section 433-1. **Licenses required.**, is hereby amended as follows:

Add Thereto:

M. Keeping of Honeybees. See Chapters 216 and 720.

Section 6. That Chapter 720., Zoning, Section 720-11., **Accessory buildings and uses.**, paragraph B., is hereby amended to read as follows:

- B. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons, and honeybees as allowed by § 216-22.), rabbits, livestock or other non-household animals, whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

Section 7. That Chapter 720., Zoning, Section 720-11., **Accessory buildings and uses.**, paragraph C., is hereby amended to read as follows:

Add Thereto:

(16) Honeybees: R.

(a) Permit required. See § 216-22.

(b) No hive shall be located within 25 feet of any side and/or rear lot line. No hive, stand or box shall be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any

neighboring property.

- (c) The maximum height of a hive, inclusive of any temporary or permanent stand or foundation, shall not exceed five (5) feet.
- (d) A stand or box where bees are kept shall be constructed and finished in a workman-like manner of materials suitable for a residential district. The use of scrap, waste board, sheet metal and/or similar materials is not allowed.
- (e) Where needed, a flyway barrier shall be provided parallel to a hive, not more than five (5) feet from a hive, and extending at least five (5) feet from the outer edge of a hive. The flyway barrier shall consist of a solid wood or vinyl fence not more than 6 feet in height, a solid hedge or dense vegetation, or a combination thereof. The use of corrugated metal, plastic, scrap materials and similar materials, and/or chainlink fencing with slats is not permitted. An artificial barrier may include a garage or garden shed on the property where a hive(s) is located.
- (f) Any hive, stand or box where bees are kept that is abandoned or its use discontinued for a period of twelve (12) months shall be removed from the premises by the property owner. Modification of a hive, stand or box for some other use is not allowed.

Section 8. That Chapter 720., Zoning, Section 720-11., **Accessory buildings and uses.**, paragraph numbers 16 - 26 are hereby renumbered 17 - 27.

Section 9. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 216-23., and Section 1-4., of the Code.

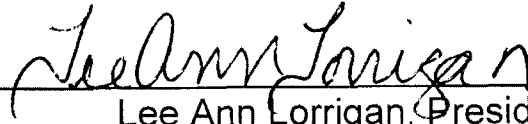
Section 10. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 11. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 12. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:


MAY 13, 2015



Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:



Margaret Hefter, City Clerk

Reviewed 

SAMPLE LETTER

Date

Name

Address

City/State/Zip

RE: NOTICE OF BEEKEEPING ON (INSERT ADDRESS)

Dear Resident or Property Owner:

I am the owner of the property located at (address). This property can be legally identified as (parcel number).

(I / we) (am / are) considering keeping bees on this property. This notice is to notify neighbors of our intention to keep bees. Attached are the beekeeping requirements for bees kept within the City of Fond du Lac. Any objections to the beekeeping permit can be mailed to the City Clerk's Office at 160 S Macy Street, email cityclerk@fdl.wi.gov or contacted by phone at 920-322-3430 within 15 days of this notification.

Please feel free to contact (me / us) at (phone number) or (e-mail address) if you have any questions.

Sincerely,

(Name of property owner)

BEEKEEPING PERMIT APPLICATION

January 1st-December 31st

A beekeeping permit is required before a person can keep, maintain or allow no more than two (2) hives of bees on an owner-occupied lot located in a residential zoning district within the City of Fond du Lac as specified in Chapter 216, Animals, Chapter 433, Licenses and Permits and Chapter 720, Zoning of the Code of the City of Fond du Lac.

Subdivisions and/or Homeowners' associations may have restrictions/covenants on beekeeping. Applicants are encouraged to contact their homeowners' association to confirm that beekeeping is an allowed activity.

Proposed location of hive(s): _____

Applicant

Beekeeping Training (attach certificate)

Name _____

Course _____

Address _____

Hours (7 hours required) _____

Phone _____

Email _____

Information and Documents Required with Application

1. Application fee of \$25.00. Permit is good from January 1st through December 31st. Permit renewals is January 1st-March 31st late fee of \$25.00 if renewed after March 31st.
2. Site plan (sketch) of the property, including the proposed location(s) of the hive(s) and distances from the side and rear property lines.
3. Receipts or documentation from the U.S. Postal Service (certified mail) or other mail provider demonstrating that notification was mailed to all principal residents of each property immediately adjacent to the property on which the hive(s) will be located of the applicant's intent to keep bees. Properties with shared property lines are considered adjacent. Properties are not considered adjacent when they are located across a street or alleyway.
4. A signed statement from the applicant that s/he will comply with the provisions and requirements of the City of Fond du Lac Code Chapters 216, 433, and 720 pertaining to bees.
5. Proof of education/training shall be provided with the permit application.
6. The applicant may be required to obtain a fence permit for the flyway barrier.

Neighbor Notification

The following immediately adjacent properties have been notified of the applicant's intent to keep bees as demonstrated with receipts or other documentation from a mail provider:

Name	Address

Applicant Certification

I hereby certify that I am the owner of record of the subject property and that I consent to the granting of a Beekeeping Permit as herein requested. I hereby declare, under penalty of perjury, that this application and all attachments thereto are true, correct, and complete to the best of my knowledge. In submitting the signed application, I acknowledge that it is my responsibility to comply with the terms and conditions of a Beekeeping Permit issued pursuant to Chapter 216, Animals, Chapter 433, Licenses and Permits and Chapter 720, Zoning of the Code of the City of Fond du Lac as referenced in the application. I further understand and acknowledge that Chapter 216, the Code of the City of Fond du Lac grants a right of inspection to enter upon the premises where beekeeping has been permitted to ensure all requirements of the Code are being met by the permittee, that a Beekeeping Permit is valid as long as the property owner remains the same, the permit may be revoked if the permittee is convicted of one or more violation(s) of the Code of the City of Fond du Lac and Beekeeping Permits are not transferrable. Denials and/or revocations of permits may be appealed in writing to the City Manager within 20 days of receipt of the denial or revocation.

Applicant Signature

Date

Internal Use

Control # _____ License # _____ Date Issued _____

Property and Apiary Diagram

Please supply a scaled sketch of your property and apiary. (See example on next page)

The sketch must include:

- Location of house and surrounding buildings
- Your lot lines
- Location, size and type of all structures for the keeping of bees-height shall not exceed 5 feet
- Setbacks of apiary
- Location of required water source within 3 feet of hive

Colonies must be setback 25 feet from the property line of an adjacent residential lot.



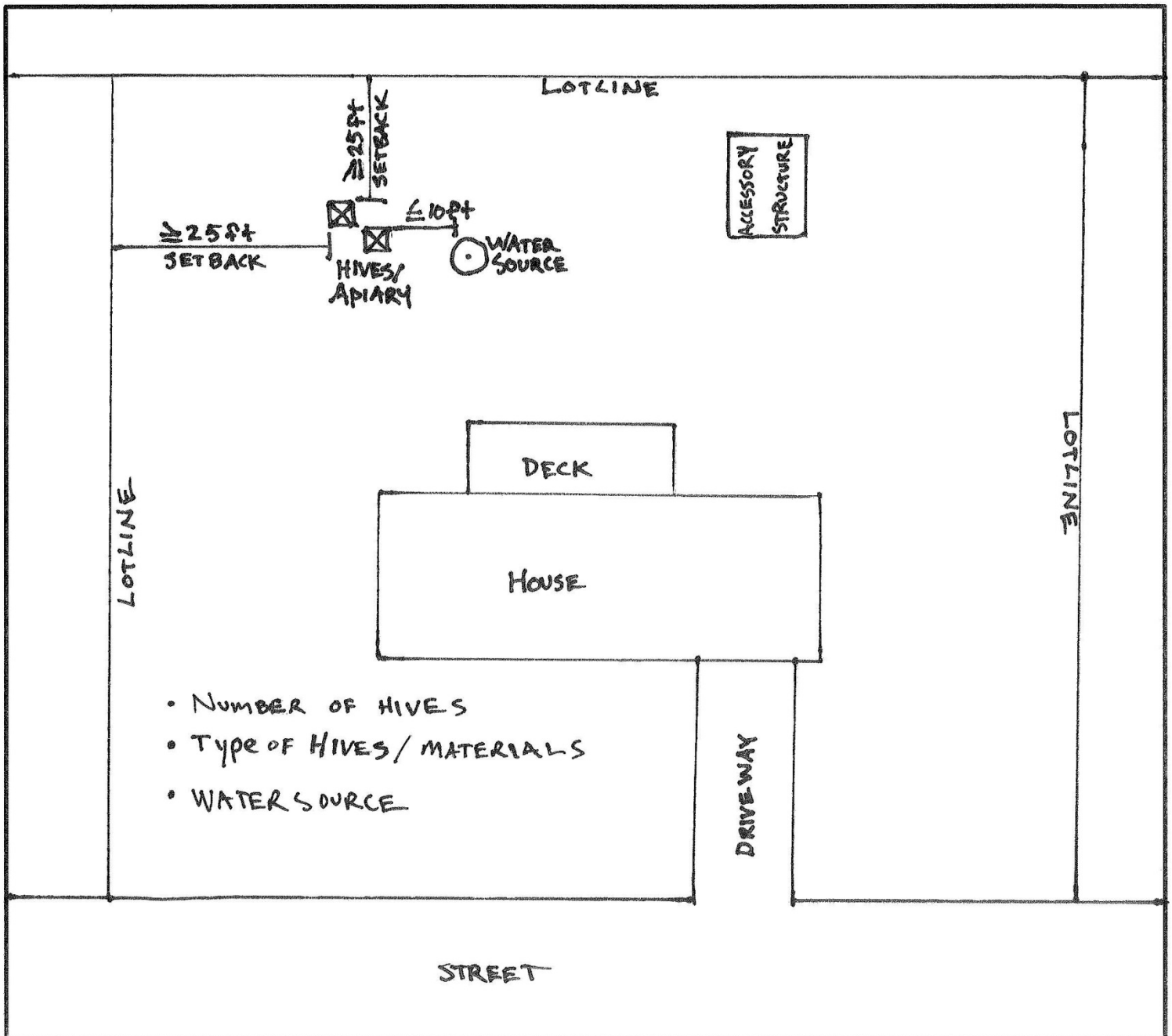
Property and Apiary Diagram Example

Please supply a scaled sketch of your property and apiary.

The sketch must include:

- Location of house and surrounding buildings
- Your lot lines
- Location, size and type of all structures for the keeping of bees-height shall not exceed 5 feet
- Setbacks of apiary
- Location of required water source within 3 feet of hive







Colonies must be setback 25 feet from the property line of an adjacent residential lot.



RESOURCES

For information regarding the keeping of honeybees in the City of Fond du Lac please visit:

www.fdl.wi.gov

-  [Beekeeping Ordinance](#)
-  [Sample Letter to Neighbors](#)
-  [Permit Application](#)
-  [Application Requirements](#)
-  [Property & Apiary Diagram](#)
-  [Sample Property & Apiary Diagram](#)

Fond du Lac Municipal Code:

[Chapter 216](#)

[Chapter 433](#)

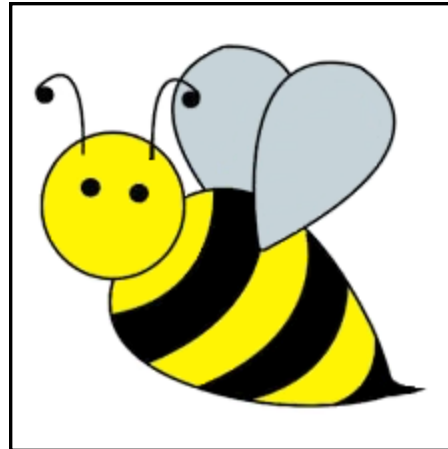
[Chapter 720](#)

East Central Beekeepers Association
www.ourbeeblog.blogspot.com

www.beeculture.com

www.beethinking.com

www.abfnet.org



Questions?

Contact the City Clerk's office

at 920.322.3430

for the permit application & guidelines

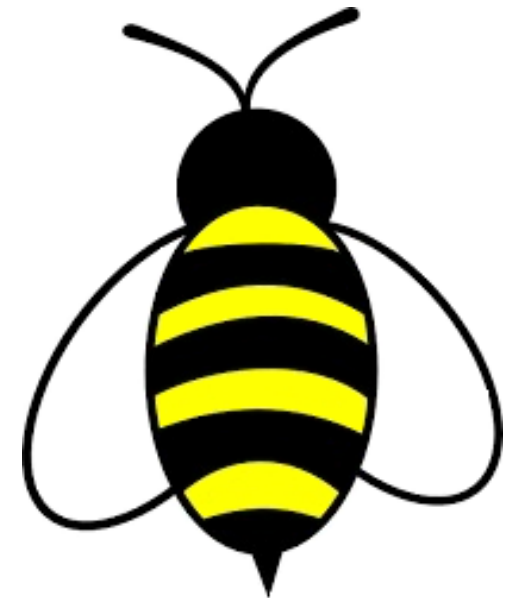
or visit the City Clerk's page

on the City of Fond du Lac website:

www.fdl.wi.gov

A How-To Guide

BEE keeping



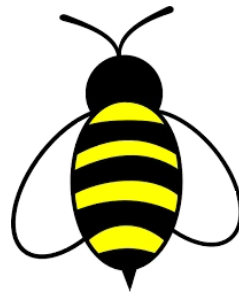
Bee Keeping

- ◆ No more than two beehives are permitted on a lot; the total volume of the hives may not exceed 20 cubic feet.
- ◆ A constant supply of water must be provided within 3 feet of a beehive. The use of a swimming pool, spa, bird bath, decorative pond, storm-water pond or any similar water source for a watering facility is not allowed.
- ◆ Permit required.
- ◆ The applicant for a Beekeeping Permit must have at least 7 hours of beekeeping education from a local technical college or university. Proof of training must be provided with the permit application.



Beehives

- ◆ A beehive may be located only in the rear yard area of a property.
- ◆ Beehives must be at least 25 feet from any side and/or rear lot line.
- ◆ The maximum height of a beehive, including any stand or foundation, is 5 feet.
- ◆ A stand or box where bees are kept must be constructed and finished in a workman-like manner of materials suitable for a residential district.
- ◆ Where needed, a flyway barrier must be provided parallel to a hive, not more than 5 feet from a hive.
- ◆ A flyway barrier may consist of a solid wood or vinyl fence not more than 6 feet high, a solid hedge or dense vegetation, or a combination thereof. A flyway barrier may include a garage or garden shed on the property where a beehive is located.



Beekeeping Permit

- ◆ A Beekeeping Permit is issued for a one-year term and must be renewed annually.
- ◆ The permit holder must be the primary owner and resident of a single family residence in a residential district.
- ◆ The propagation of honey-bees for any purpose not related to the personal use of the permit holder, including the sale of honey, is not allowed.
- ◆ The application must include a diagram to show the location of the hives, stand or box in relationship to lot boundaries, and the required flyway barrier and water supply.
- ◆ The applicant is required to mail the permit application to all adjacent property owners. Any adjacent owner or resident may object if they believe a beehive would be detrimental to their health.

