Sec. 6-2. - Keeping of animals, birds and bees regulations.

(a) No person shall keep any hoofed animal or bees within the city, except as permitted in (b) & (d) below. In no event shall poisonous snakes or those snakes having a normal adult size that exceed four feet in length or members of the genus Canis or genus Felis other than common dogs and cats be permitted to be kept as pets in the city.

(b) A maximum of four domesticated female chickens (hens) may be kept out of doors in appropriate enclosures with proper shelter. A permit must be applied for and issued by the city clerk prior to the keeping of chickens. A maximum of three rabbits may be kept out of doors as pets, but not bred for meat or sale. Dogs may be kept out of doors in appropriate enclosures with proper shelter. Small animals, reptiles, birds and fish that are housed within a residence shall be permitted. Small animals include, but are not limited to, dogs, tropical fish, parrots, parakeets, cockatiels, canaries, cockatoos, finches, love birds, house cats, guinea pigs, gerbils, hamsters, fancy mice and rats, reptiles and turtles. Horses are conditionally allowed within the rural holding and exurban residential districts.

(c) Animals or birds not listed in this section shall be prohibited unless similar to those listed in (b) above.

(d) BEEKEEPING. The purpose of this section is to permit and to establish certain requirements for sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

(1) **Definitions.** As used in this chapter, the following words and terms shall have the meanings ascribed in this chapter unless the context of their usage clearly indicates another meaning:

a. Apiary. The assembly of one or more colonies of bees at a single location.

b. Beekeeper. A person who owns or has charge of one or more colonies of bees, and who has been issued a permit to maintain the bees within the City.

c. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

d. Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the hive inhabited by the bees.

e. Hive. A structure intended for the housing of one bee colony. A single hive, including the attached honey supers, shall not exceed twenty (20) cubic feet in size.

f. Honey Bee. All life stages of the common domestic honey bee, Apis Mellifera species.

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g. Parcel. A distinct or defined portion of land which is considered as a unit.

(2) **Permit Required**. It shall be unlawful for any person to keep, control, harbor or maintain within the City any bees, bee colonies, or hives, without first obtaining a permit for that purpose from the City.

a. The permit process requires the submittal of a completed application; submittal of a nonrefundable fee in an amount as set from time to time by resolution of the Common Council; completion of an inspection to verify that the provisions of this chapter have or will be met; public notification; and, if applicable, property owner permission. The permit issuance is also subject to a potential objection hearing pursuant to this chapter.

b. Written permission of the property owner is required if the applicant does not own the parcel on which the apiary will be located.

c. A permit shall allow the keeping of bees on one (1) parcel within the City of Stoughton. If an individual desires to maintain bees at more than one location, then an additional permit shall be required for each additional parcel.

d. The permit shall remain in effect until such time as the applicant discontinues or alters (as set forth in an approved application) the beekeeping activity, or until the permit is revoked. Seasonal fluctuations in beekeeping activities due to weather shall not be construed as discontinuation or alteration of activity; provided that failure to actively engage in beekeeping activity on the parcel for a period in excess of twelve (12) calendar months, for whatever reason, shall be so construed.

(3) **Notification**. Before a permit is issued for the keeping of bees, the following process shall be followed:

a. Upon receipt of a completed beekeeping permit application and fee, the City shall provide written notice to all property owners within two hundred (200) feet of the parcel on which the bees will be kept.

b. The property owners notified shall have fifteen (15) days from the date the notice is sent to file with the City a written objection and request for a hearing if they object to the granting of the permit.

c. If a timely written objection is submitted to the City, then a hearing shall be scheduled before the Plan Commission. The objecting property owner(s) and the applicant shall be provided an opportunity to speak at the hearing. After the hearing, the Plan Commission shall approve, conditionally approve, or deny the issuance of the permit.

d. If no written objection is submitted, and if City Staff verifies that the conditions and standards of this chapter have been or will be met, the permit shall be issued.

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(4) **Location and Standards**.

a. Location. All hives shall be located at least three (3) feet from any adjoining property. No hive shall be located within twenty five (25) feet of any dwelling, except that of the beekeeper. The written permission of the applicable property owner, building owner, or building tenant shall be required to locate hives closer than these distances.

b. Orientation. The entrance to any hive located closer than ten (10) feet to any adjoining property shall not face the nearest property line. The written permission of the applicable property owner shall be required to orient the entrance toward the property line.

c. Flyway Barrier. In each instance in which a colony is situated within twenty five (25) feet of a public or private property line of the parcel upon which the apiary is situated, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof, and shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. A flyway barrier is not required if the lowest part of the colony is situated six (6) feet or more above grade.

d. Hive Type. All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

e. Water. Each beekeeper shall ensure that a source of water is available to the bees on the same parcel on which the colony is located. The water shall be available at all times during the year when the bees are active so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

f. General Maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. 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.

g. Queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

h. Colony Density. It shall be unlawful to keep more than the following number of colonies on any parcel or lot within the city, based upon the size or configuration of the parcel or lot on which the apiary is situated:

1. One-half (1/2) acre or less – two (2) colonies.
2. More than one-half (1/2) acre but less than one (1) acre – four (4) colonies.
3. One (1) acre or larger – six (6) colonies.

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i. Residential Property. Beekeeping activities conducted on property on which the principal use is residential shall be conducted in compliance with the home occupation standards in Section 22.06 of the Municipal Code.

j. Other Beekeeping Unlawful. Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any beekeeper 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.

(5) **Compliance**

a. Upon receipt of information that any colony situated within the City is not being kept in compliance with this chapter, the Building Inspector shall cause an investigation to be conducted. If the inspection discloses a violation of any provisions hereof, the Building Inspector or his designee shall inform the permit holder of the specific violations then existing. The Building Inspector shall allow the permit holder a reasonable time to correct the violations. Penalties for a violation shall be as specified in Section 6.50.

b. In addition to penalties as specified in Chapter 1 of Stoughton City Ordinances continued violations of this chapter may be cause for revocation of the beekeeping permit; provided that revocation shall be summarily made upon advice of the Building Inspector or his designee, and provided that, following written notice, the offender has failed to abate or correct the offense. No person having a permit revoked pursuant to this provision shall be granted a permit for beekeeping purposes for a period of two (2) years following revocation.

(6) **Appeals.** Under Ordinance Section 78-918 of the Stoughton Municipal Code, the Zoning Board of Appeals, shall have the power and duty to review and determine all matters relating to variances and provisions or appeals regarding interpretation of this chapter..

(Code 1986, § 12.136; Ord. No. 0-7-10, § 1, 8-10-2010; Ord. No. 0-7-2015, § 1, 9-8-2015)

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PUBLIC SAFETY COMMITTEE MEETING MINUTES
Wednesday, February 28, 2018
Mayor's Office, City Hall

Present: Chair, Scott Truehl, Alderpersons, Denis Duranczyk, Greg Jenson, Kathleen Johnson, Mayor Donna Olson, and Police Chief Greg Leck.

Excused:

Guests: Varivy Abrouq (BBG's), John Thompson and Teressa Pellett

Call to Order: 6:05pm (Johnson arrived at 6:35pm.

Communications: Chief Leck mentioned that the Stoughton Wellness Committee is sponsoring a panel discussion on youth alcohol and drug issues at the River Bluff Middle School on March 6th at 6:00 pm.

Old Business

2. **Further discussion and possible action regarding the creation of an ordinance relating to the keeping of bees within the city.**

Leck & Mayor Olson relayed that Fire Chief Wegner had provided input to the proposed ordinance. Also John Thompson was present and recommended further changes, including changes to the Notification section. Chair Truehl discussed the need to keep the notification section in place and committee members agreed. Duranczyk had concerns over the possibility that the Planning Department staff would need specific training to enforce the ordinance as proposed.

Jenson then made a motion to forward the proposed ordinance as written to the Planning Commission for further action.

Motion by: Jenson, 2nd by Duranczyk. **Motion carried 4-0**

New Business

3. **Approval of Minutes: Motion by:** Jenson, 2nd by Duranczyk to approve the minutes from the 1-30-18 meeting. **Motion passed 4-0**

4. **Discussion and possible action regarding an application for change of agent: Kwik Trip # 893, located at 1359 US Hwy 51, requests appointment of Breonna Pitera as Agent.**

   Chief reported that the City Clerk and PD has reviewed the request and recommends approval.

   Motion by: Duranczyk**, 2nd by** Jenson **to approve.**

   Motion passed 4-0

5. **Discussion and possible action regarding an application change of agent: Kwik Trip # 739, located at 517 W. Main Street, requests appointment of Scott Galston Agent**

Chief reported that the City Clerk and PD has reviewed the request and recommends approval.

Motion by: Duranczyk**, 2nd by** Jenson **to approve.**

Motion passed 4-0

6. **Discussion and possible action regarding approving of a Special Event and Class "B" Temporary Liquor License to Sustainable Stoughton Inc. for Earth Day Expo.**

Chief reported that the City Clerk and PD has reviewed the request and recommends approval.

Motion by: Duranczyk**, 2nd by** Jenson **to approve.**

Motion passed 4-0

7. **Discussion and possible action regarding an application for a Class B Beer and Class B Liquor License for Ammovi Ventures, LLC, D/B/A Banushi's Bar and Grill, located at 800 Nygaard St., Wendy S. Brigham-Abrouq Agent**

Mr. Abrouq was present. Chief reported that the City Clerk and PD has reviewed the request and recommends approval.

Motion by: Duranczyk**, 2nd by** Jenson **to approve.**

Motion passed 4-0

8. **Discussion and Possible action regarding Amending Section 70-176 (61) to restrict parking on both sides of Veterans Road between the intersections of US HWY 51 and Vernon Street .**

Chief Leck reported that this item comes from the Planning Department and is a result of the reconstruction of Veterans Road scheduled to begin this spring. With the reconstruction, new bike lanes will be established requiring the restrictions on parking. Leck explained the he expanded the restricted parking area to include both sides to Vernon Street because of past complaints of visibility issued caused by parked vehicles on the west side of the street. After discussion, Committee Members recommended that all affected property owners be notified and also be informed of the Dane County pre construction meeting being held on March 20.

Motion by: Jenson**, 2nd by** Duranczyk **to approve. Motion carried 5-0**

9. **Discussion and possible action regarding amending Section 70 of the Stoughton Municipal Code to create Section 70-202 granting authority to the Police Chief and Public Works Director to designate temporary Parking and Vehicle Movement Restrictions on City Street as deemed necessary.**

Chief Leck explained that City Ordinances are currently not explicit in granting power to both the police chief and Public Works director to have the authority to temporarily

restrict parking and vehicle movements (Close streets). This authority will prevent having to come back to the council each time parking and movements on streets need to be restricted for short periods of time.

Motion by: Duranczyk**, 2nd by** Johnson **to approve. Motion carried 5-0**

10. Discussion and possible action regarding Best Practices recommendations for Temporary Class "B" Liquor Licenses.

As directed by the Committee previously, Chief Leck presented a list of proposed Best Practices for Temporary Class "B" Liquor Licenses. Chief Leck reviewed each one and suggested adding to the header "Guideline" and date approved wordage to the document. Leck explained that in the future, the Best Practices Guidelines will be handed out with each application for a Temporary Class B license

Motion by: Jenson**, 2nd by** Duranczyk **to approve. Motion carried 5-0**

11. Future Agenda items:

- Discussion and information regarding Through Streets in the City

Moved by: Duranczyk, 2nd By Jenson to adjourn at 7:05 p.m. Carried unanimously.

Respectfully Submitted,
Greg Leck,
Chief of Police