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.

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.

(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.

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)