

## CHAPTER 6

### ANIMALS

**6.01 DOG LICENSE.** (a) License Required. Every owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, or within 30 days from the date such dog becomes 5 months of age, shall pay the dog license tax and obtain a license therefore in the manner prescribed in by Wisconsin Statutes, with regard to dogs.

(b) License fees shall be established by the Common Council and amended from time to time via resolution for all dogs. The owner of a dog 5 months of age or over who fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or who fails to obtain a license on or before the dog reached a licensable age shall pay a late fee.

(c) Issuance of License. Upon payment to the Police Department or Veterinary Clinic of the fees above set forth and upon proof being presented to the Police Department or Veterinary Clinic that the dog for whom the license is intended has a current rabies vaccination, the Police Department or Veterinary Clinic shall issue to such persons a dog license which shall be for a period of one year or until the next succeeding December 31, whichever shall be less, and such persons shall also be given a tag indicating the payment for said license, which tag shall be affixed to the collar or harness of such dog.

(d) Unlicensed Dogs. No unlicensed dog shall run at large and any person may seize or impound such dog found at large and the fact that a dog is without a proper license tag attached to it shall be presumptive evidence that it is unlicensed. Any police officer or an animal control officer or other employee of the City of Platteville appointed by the City Manager for such job may enter upon the premises of the owner or keeper of any unlicensed dog for the purpose of seizing it. The words "unlicensed dog" mean a dog not licensed pursuant to the provisions of Chapter 174, Wisconsin Statutes.

**6.02 ANIMAL REGULATIONS.** (a) Animal Behavior. It shall be unlawful to own, harbor or keep any animal which:

1. Habitually pursues any vehicle upon any public street, alley, or highway in the City;
2. Assaults or attacks any person;
3. Runs at large within the limits of this City. Animals shall be deemed to be running at large when found on any of the public streets, alleys, parks, or

## CHAPTER 6 Animals

other public grounds of the City or when off the premises of the owner or person having custody of said animal. Except as provided in subsection (5), an animal shall not be deemed running at large if held in leash;

4. Habitually barks, howls, yelps, growls or meows or in any manner creates continuous or intermittent noise or disturbance such as to offend the peace and quiet of any person or persons of ordinary sensibility in the neighborhood or passing the premises on the sidewalk or street;
  5. Is present, whether on or off a leash, in any public park of the City, with the exception of Moundview Park or the Dog Park, where animals on a leash shall not be deemed running at large;
  6. Inflicts a bite to a human being or injures, kills, or physically attacks a human being or a domesticated animal on either public or private property, or has a propensity, tendency, or disposition to attack a human being or a domesticated animal, in a manner which may cause death or injury or otherwise endanger the safety of a human being or domesticated animal. The provisions of this subsection 6 shall not be applicable under circumstances where the bite, injury, or attack was sustained by a person committing or attempting to commit a criminal violation upon a premise occupied by the owner of the animal, was abusing the animal, or who was committing an unjustified physical attack or assault upon the owner or keeper of the animal.
- (b) Animals Infected with Hydrophobia. 1. Any police or any County Health Officer of the City may kill or impound any animal which he believes, from the appearance or conduct of such animal, to be infected with the disease known as hydrophobia or rabies.
2. Any person who shall suspect that any animal is infected with hydrophobia or rabies shall report his or her suspicion to the police or health authorities, describing the animal and giving the name of the owner, if known; any such animal shall, upon demand of any police officer of the City, be delivered to such officer; if upon examination by a licensed veterinarian the animal shall exhibit symptoms or evidence of being infected with said disease, the animal shall be killed by any such officer or a veterinarian. The provisions of Wis. Stats. Section 95.21, Rabies Control Program, are hereby adopted and by this reference are incorporated herein as if set out in full.
  3. It shall be unlawful for any person knowingly to harbor or keep any animal infected with hydrophobia or rabies or any animal known to have been bitten by an animal known to have been infected with hydrophobia or rabies, or fail to report to the police or health authorities of the City the existence of an animal which he knows to be infected with hydrophobia or rabies.

## CHAPTER 6 Animals

- (c) Quarantine or Sacrifice of an Animal. The provisions of Wis. Stats. Section 95.21, Rabies Control Program, is hereby adopted as pertains to the quarantine or sacrifice of an animal. A quarantined animal shall be kept securely confined, tied, leashed or muzzled. Any animal not so kept is declared to be a public nuisance and shall be confined as provided by Section 6.02(1)7. Any person, firm or corporation which fails to comply with the provisions of this section requiring the confining, keeping, tying, holding in leash or muzzling of any such animal shall be subject to the forfeiture provisions hereinafter set forth.
- (d) Taking custody of animals. 1. INTAKE. (A) A law enforcement officer may take custody of an animal if the officer has reasonable grounds to believe that the animal is one of the following:
- (1) An abandoned or stray animal.
  - (2) An unwanted animal delivered to the law enforcement officer.
  - (3) A dog not tagged as required by this chapter.
  - (4) An animal not licensed in compliance with any ordinance.
  - (5) An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
  - (6) An animal that has caused damage to persons or property.
  - (7) A participant in an animal fight intentionally instigated by any person.
  - (8) An animal mistreated in violation of Chapter 951.
  - (9) An animal delivered by a veterinarian under subdivision 2.
2. DELIVERY OF ANIMAL BY VETERINARIAN. (A) A law enforcement officer or a person contracting to provide care, treatment or disposal services may accept an animal delivered by a veterinarian, or his or her employee, if the animal has not been picked up by its owner and all of the following apply:
- (1) The veterinarian notified the owner of the animal by certified mail, return receipt requested, that the animal was ready to be picked up and the animal would be delivered to a law enforcement officer if not picked up within seven days.
  - (2) The veterinarian retained the animal for seven days after the date on which a return receipt was signed or until the letter was returned to the veterinarian as undeliverable.
  - (3) The veterinarian certifies in writing to the law enforcement officer that subdivisions (1) and (2) apply.
- (B) If an animal is accepted under paragraph (A), the veterinarian shall provide the person accepting the animal with any requested records concerning the animal's ownership, health or licensure.

3. NOTIFICATION OF OWNER. (A) If a law enforcement officer takes custody of an animal with the knowledge of the owner, the law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under 6.02(h), and the procedure to be followed if the animal is not returned to the owner.
  - (B) If a law enforcement officer takes custody of an animal without the knowledge of the owner, the law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under 6.02(h), and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal, that the animal has been taken into custody.
  - (C) If the owner informs the law enforcement officer in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under 6.02(i)2.
- (e) Records. A law enforcement officer taking custody of an animal on behalf of the City shall maintain or require any person to whom the animal is delivered under a contract providing for the provision of care, treatment or disposal services to maintain, as appropriate, records for each animal containing the following information:
  - (1) A physical description of the animal.
  - (2) The date that custody was taken of the animal, the date that the animal was delivered into the possession of another person and the identity of the person to whom delivered.
  - (3) The reason for taking custody of the animal.
  - (4) The ultimate disposition of the animal, including the name and address of any person into whose custody the animal was ultimately released.
- (f) Animals considered unclaimed. The City or any person contracting to provide care, treatment or disposal services may treat any animal taken into custody under 6.02(d)1.(A)(1), (3), (4) or (9) as an unclaimed animal subject to 6.02(i)2, if, within seven days after custody is taken of the animal, it is not claimed by and returned to its owner under 6.02(i)1, except that an animal taken into custody under 6.02(d)1(A)(3) or (4) may not be treated as unclaimed if its owner files a petition under 6.02(h)1. within seven days after custody is taken.
- (g) Holding animals for cause. 1. GROUNDS. The City may withhold or direct persons contracting to provide care, treatment or disposal services to withhold, an animal in custody from an owner who makes an otherwise adequate claim for the

## CHAPTER 6 Animals

animal under Section 6.02(i)1. on any of the following grounds: (A) There are reasonable grounds to believe that the owner has mistreated the animal in violation of Chapter 951.

- (B) There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.
- (C) The animal may be used as evidence in a pending prosecution.
- (D) A court has ordered the animal withheld for any reason.

- 2. EXAMINATION PERMITTED. If an animal is withheld under sub. 1, upon request by the owner, a veterinarian retained by the owner may examine the animal.
- 3. COSTS. The owner of an animal withheld under sub. 1 is not liable for any costs of custody, care or treatment except as provided by court order.
- 4. RETURN. The City or a person contracting to provide care, treatment or disposal services having custody of an animal withheld under sub. 1 shall release the animal to the owner at the direction of the law enforcement officer that took custody of the animal if the requirements of 6.02(i)(A) – (D) are satisfied.

(h) Review of seizure or withholding. 1. PETITION. A person claiming that an animal that he or she owns was improperly taken into custody under 6.02(d)1(A), (3), (4), (5), (6) or (8), or is wrongfully withheld under 6.02(g)1. may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

2. NOTICE AND HEARING. The court shall provide notice of a petition under sub. 1 to the law enforcement officer who took the animal into custody or the City and shall hold a hearing on the issue whether the animal was improperly taken into custody or is wrongfully withheld.

3. ORDER. (A) If the animal was taken into custody under Section 6.02(d)1(A)(8), or is withheld under Section 6.02(g)1, the court shall order the animal returned to the owner unless it determines that one of the following conditions are satisfied:

- (1) There are reasonable grounds to believe that the owner has mistreated the animal in violation of Chapter 951.
- (2) There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.
- (3) The animal may be used as evidence in a pending prosecution.

## CHAPTER 6 Animals

- (4) A court has ordered the animal withheld for any reason.
  - (B) If the animal was taken into custody under Section 6.02(d)1(A)(3), the court shall order the animal returned to its owner if the court determines that the animal was tagged or was not required to be tagged under Chapter 174.
  - (C) If the animal was taken into custody under Section 6.02(d)1(A)(4), the court shall order the animal returned to its owner if the court determines that the animal was licensed or was not required to be licensed.
  - (D) If the animal was taken into custody under Section 6.02(d)1(A)(5), the court shall order the animal returned to its owner if the court determines that the animal was not subject to a quarantine order or was confined as required by a quarantine order.
  - (E) If the animal was taken into custody under Section 6.02(d)1(A)(6), the court shall order the animal returned to its owner if the court determines that the animal did not cause damage to persons or property.
- (i) Disposition of Animals. 1. CLAIM AND RETURN. Except as provided in sub. 4 or 6.02(g)1, the City or a person contracting to provide care, treatment or disposal services shall return an animal described in Section 6.02(d)1,(A)(1), (3), (4), (6), (8) or (9) to its owner upon the happening of all of the following: (A) The owner claims the animal and provides reasonable evidence of ownership.
- (B) If the licensure is required by statute or ordinance, the animal is licensed or assurance of licensure by prepayment is given, including payment of any late fee.
  - (C) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination by prepayment is given.
  - (D) All charges for custody, care, vaccination and treatment are paid.
2. UNCLAIMED ANIMALS. The City or a person contracting to provide care, treatment or disposal services that has custody of an animal considered unclaimed under sub. 7(C) or 8 or Section 6.02(d)3(C) or Section 6.02(f) or any unwanted animal may do any of the following: (A) Release the animal to any person other than the owner if all of the following apply:
- (1) The person provides his or her name and address.

## CHAPTER 6 Animals

- (2) If licensure is required by statute or ordinance, the animal's license or assurance of licensure is given by evidence of prepayment.
    - (3) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of prepayment.
    - (4) Any charges imposed by the political subdivision or person contracting to provide care, treatment or disposal services for custody, care, vaccination and treatment are paid or waived.
  - (B) If the animal is not a dog or cat, sell the animal at public auction, including sale at a licensed livestock market.
  - (C) Euthanize the animal.
  - (D) If the animal is a stray or abandoned dog, release the dog under Wisconsin Statutes Section 174.13.
3. PROCEEDS OF SALE. If the owner of an animal sold under sub. 2(B) files a claim and provides proof of ownership within thirty days after the sale, the sale proceeds, less the cost of custody, care, treatment and sale shall be returned to the owner.
4. ANIMALS NOT RETURNED TO OWNER. If an animal in the custody of the City, other than an animal to which sub. (2) applies, is not returned to the owner under sub. 1 or 7(B) or Wisconsin Statutes Section 173.12(2), Section 6.02(g)4 or Section 6.02(h) or disposed of under sub. 6 or 7(A), or Wisconsin Statutes Section 173.12(3), it shall be disposed of under a court order under sub. 5 or Wisconsin Statutes Section 951.18(4).
5. COURT ORDER. (A) The City may petition the circuit court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or withheld under Section 6.02(g):
- (1) Providing for payment for the custody, care or treatment of the animal.
  - (2) Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any proceeding.
  - (3) Authorizing the sale, destruction or other disposal of the animal.
- (B) The petition shall set forth the basis for the petitioned-for relief.

CHAPTER 6 Animals

- (C) The City shall serve a copy of the petition in the manner provided under Wisconsin Statutes Section 801.11, upon the owner of the animal, if known.
  - (D) The court shall conduct a hearing on the petition, the petition and any person upon whom a copy of the petition was served may appear as a party.
  - (E) The court shall issue its order after hearing and may grant, modify and grant or deny the petitioned-for relief, after considering the interests of the animal, the owner of the animal, the City and the public.
6. INJURED OR DANGEROUS ANIMALS. The City or a person contracting to provide care, treatment or disposal services who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe any of the following apply: (A) The animal is hopelessly injured beyond any reasonable chance of recovery.
- (B) The animal poses an imminent threat to the public health or safety.
  - (C) The animal poses an imminent threat to the health or safety of itself or its custodian.
7. ANIMAL NOT CONFINED AS REQUIRED BY QUARANTINE ORDER. (A) The City or person contracting to provide care, treatment or disposal services that has custody of an animal that was not confined as required by a quarantine order issued under any statute, rule or ordinance relating to the control of any animal disease shall confine the animal for the duration of the quarantine or shall euthanize the animal with the written permission of the owner or, if the animal is determined to be diseased, at the direction of the person issuing the quarantine order.
- (B) Unless the person issuing the quarantine order directs that the animal be euthanized because it is diseased, at the end of the quarantine period the political subdivision or person contracting to provide care, treatment or disposal services shall return the animal to its owner if the owner complies with sub. 1(A) to (D) no later than the seventh day after the day the City or person contracting to provide care, treatment or disposal services demands that the owner claim the animal and pay for its custody, care and treatment.
  - (C) If the owner does not comply with sub. 1(A) to (D) within the time provided in paragraph (B), the animal is considered an unclaimed animal under sub. 2.



CHAPTER 6 Animals

- (D) Before euthanizing an animal that is in custody because it was not confined as required by a quarantine order, the person with custody of the animal shall notify the person who issued the order. If the person who issued the order determines the testing of specimens is necessary to determine the disease status of the animal, the person with custody shall collect the specimens.
  
- 8. NONCOMPLIANCE BY OWNER. If an owner is ordered under sub. 5 to pay, or post bond for the payment of, costs of custody, care or treatment of an animal, and refuses to do so upon demand, the animal shall be treated as an unclaimed animal subject to sub. 2.
  
- (j) Reimbursement for Expenses. 1. A court shall assess the expenses under this section in any case in which there has been a search authorized under Wisconsin Statutes Section 173.10 or in which an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime under Chapter 951.
  
- 2. Expenses covered under this section include:
  - (A) Investigative expenses of any search under Wisconsin Statutes Section 173.10 or any seizure under this chapter.
  - (B) Any fees of a doctor of veterinary medicine.
  - (C) Expenses of taking any animal into custody under this chapter, including expenses reasonably incident to taking the animal into custody.
  - (D) Expenses of keeping or disposing of any animal taken into custody.
  
- 3. If the person alleged to have violated Chapter 951 is found guilty of the violation, the person shall be assessed the expenses under sub. 1 and 2. If the person is not found guilty, the county treasurer shall pay the expenses from the general fund of the county.

**6.03 POULTRY HOUSES.** (a) No person shall have, keep or maintain within 40 feet of any dwelling or residence within the City occupied by any other person, any building used for the housing, keeping, or maintaining of poultry.

(b) No person shall have, keep or maintain, within the City, any poultry which are not provided with a run of not less than 30 square feet to each bird which has reached the age of six months.

## CHAPTER 6 Animals

- (c) The person owning or having charge of any poultry or poultry house shall keep the poultry and poultry house in a sanitary condition and in a condition which will not, through offensive odors annoy or detract from the comfort of any other person residing in the City.
- (d) The provisions of subsection (a) and (b) do not apply in the following cases:
  - 1. Where poultry is exhibited at poultry shows, fairs or exhibitions.
  - 2. Where poultry has been purchased by produce merchants for shipment or retail meat purposes.
- (e) The provisions of this section are in addition to the zoning regulations of the City.

**6.04 KEEPING ANIMALS WITHIN THE CITY.** No person shall keep or maintain any horses, cows, goats, sheep, donkeys, ponies, or mules within the City of Platteville on a lot or an enclosure less than one acre in area for the first animal and an additional one-half acre for each additional animal.

**6.05 NOISY ANIMALS.** The keeping, harboring, or maintaining of any animal which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City, is hereby deemed a public nuisance.

**6.06 ANIMAL ODORS.** The keeping, harboring, or maintaining of any animal or animals which causes an undesirable odor of such intensity as to annoy neighbors is hereby deemed a public nuisance.

**6.07 ABATEMENT.** (a) Abatement of Public Nuisances. Upon receipt of a written complaint, it shall be the duty of the Police Department to determine whether a public nuisance exists and/or there is a danger to the health, safety or peace of the neighborhood caused by the keeping of animals. If it is determined that a public nuisance exists, the Police Department shall cause the same to be abated and charge the costs thereof, if any, to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement of Other Violations.

- 1. **ISSUANCE OF ORDER.** If a law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the law enforcement officer may issue and serve an order of

abatement directed to named persons. Any official designated to modify or withdraw abatement orders issued under this section shall not participate in the decision to issue the order or in any activity leading to that decision.

2. **CONTENT OF ORDER.** An abatement order issued under sub. 1 shall contain all of the following:
  - (A) The name and address of the person to whom directed.
  - (B) The statute or ordinance alleged to be violated.
  - (C) A prohibition on further violations.
  - (D) A description of measures necessary to correct the alleged violation.
  - (E) A description of the hearing and appeal provisions under subdivisions 3 and 5.
3. **HEARING.** A person named in an abatement order issued under sub. 1 may, within the ten-day period following service of the order, request a hearing before an official designated herein to modify or withdraw abatement orders issued under this section. The hearing shall be held within ten days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
4. **DECISION.** Within ten days after a hearing under sub. 3, the official who conducts the hearing shall affirm the order, modify and affirm the order or withdraw the order.
5. **APPEAL.** Any person adversely affected by a decision under sub. 4 may seek judicial review by commencing an action in Circuit Court within thirty days after the day that the decision is issued.
6. **DESTINATION OF OFFICIALS TO HEAR APPEALS.** The City Manager shall be authorized to conduct the hearings under sub. 3.

**6.08 CLEANING UP AFTER ANIMALS.** The owner of every animal shall be responsible for the prompt removal of any excreta deposited by the owner's animal(s) in the City of Platteville outside the premises of its owner.

**6.09 KENNELS.** (a) Persons keeping, harboring, or maintaining more than four dogs over the age of 5 months in one location shall, in addition to the individual license for each dog required by this chapter or state statutes, obtain an annual kennel license. No more than 10 dogs over the age of 5 months shall be kept on any one premise.

(b) An annual kennel license application shall be filed with the City Clerk and shall include the kennel owner's name, the kennel operator's name if different than the owner, the kennel address, the kennel capacity, a brief description of the kennel

facility, whether the kennel is for personal or business use, the owner's signature and date. The fee for a kennel license shall be established by the Common Council and amended from time to time via resolution. The license shall be for one year and shall expire on December 31 of each year.

- (c) Before issuance of a license, the application shall be reported to the County Health Officer, Building Inspector and a licensed veterinarian who shall conduct an inspection of the proposed kennel premises. They shall report any health problems or violations to the license applicant and City Manager. Any problems noted during said inspections shall be corrected prior to annual license approval or renewal.
- (d) Kennels shall be located a minimum of 50 feet from any other residential or commercial structure and at least 5 feet from all lot lines. Each kennel shall be surrounded by privacy fencing of sufficient height to contain the animals kept therein and shall contain at least 30 square feet for each animal.
- (e) Upon written complaint by any City official or resident of the City that the licensee has violated any of the provisions of this section, the Building Inspector shall conduct an investigation and if he finds the violations are occurring, he shall inform the licensee in writing of the specific violations then existing. The Building Inspector shall allow the licensee a reasonable time to correct violations. Penalties for a violation of this section shall be as specified in Section 6.50.

**6.10 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.

- (a) **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:
  - 1. **Apiary.** The assembly of one or more colonies of bees at a single location.
  - 2. **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.
  - 3. **Beekeeping Equipment.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
  - 4. **Colony.** An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at any time many drones, including brood, combs, honey and the hive inhabited by the bees.

## CHAPTER 6 Animals

5. 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.
  6. Honey Bee. All life stages of the common domestic honey bee, *Apis Mellifera* species.
  7. Parcel. A distinct or defined portion of land which is considered as a unit.
- (b) **Permit Required.** It is 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.
1. 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.
  2. Written permission of the property owner is required if the applicant does not own the parcel on which the apiary will be located.
  3. A permit shall allow the keeping of bees on one (1) parcel within the City of Platteville. If an individual desires to maintain bees at more than one location, then an additional permit shall be required for each additional parcel.
  4. 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.
- (c) **Notification.** Before a permit is issued for the keeping of bees, the following procedures shall be followed:
1. 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.
  2. 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.

3. 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.
4. 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.

(d) **Location and Standards.**

1. **Location.** All hives shall be located at least ten (10) feet from any adjoining property. No hive shall be located within twenty five (25) feet of any dwelling or habitable building, 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.
2. **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.
3. **Flyaway 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, as measured from the nearest point on the hive to the property line, 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, that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of apiary. A flyway barrier is not required if the lowest part of the colony is situated six (6) feet or more above grade.
4. **Hive Type.** All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.
5. **Water.** Each beekeeper shall ensure that a source of water is available to the bees within ten (10) feet of the hive, and 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.

## CHAPTER 6 Animals

6. **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.
7. **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.
8. **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 and configuration of the parcel or lot on which the apiary is situated:
  - a. One-half (1/2) acre or less – two (2) colonies.
  - b. More than one-half (1/2) acre but less than one (1) acre – four (4) colonies.
  - c. One (1) acre or larger – six (6) colonies.
  - d. Regardless of parcel or lot size, for non-residential properties where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
9. **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.
10. **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 conditions, 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.

### (e) **Compliance.**

1. Upon receipt of information that any colony situated in 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.

2. In addition to penalties as specified in Section 6.50, 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.

(f) **Appeals.** The Board of Appeals, established to hear appeals under Chapters 22, 23 and 25 of the Municipal Code, shall also function as the Board of Appeals in matters related to this chapter, and shall entertain appeals in the manner prescribed in Chapter 22. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector.
2. To hear and decide special exceptions to the terms of this chapter upon which the Board of Appeals is required to pass.
3. To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
4. To reverse or affirm wholly or in part or to modify any order, requirement, decision or determination appealed from and to make such order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
5. To call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonable required.

**6.50 PENALTY AND ENFORCEMENT.** (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.



## CHAPTER 6 Animals

- (b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.