The City of Brookfield Common Council do ordain:

**Part I.** Section 15.04.350 is created to read as follows:

§15.04.350 Honey beekeeping permitted —

A. Definitions.

The following definitions will be used in the interpretation and application of this section.

“Abut/abutting” is where any property touches the prospective beekeeper’s property, including spots that touch at only one point like at corners.

"Beekeeper." A person who places man-made hives on their property for keeping honey bees.

"Colony." A honey bee family or social unit living together in a hive or other shelter in all stages of life.

"Hive." A man-made or natural structure housing a colony of honey bees.

"Recreation Area". A playset, sport court, pool, patio, deck, or permanent seating area, gazebo, and similar equipment or structures plus a 5 foot perimeter from the recreational item, existing on abutting property at the time a beekeeping permit is applied for.

"Setback" is as defined at §17.04.020.

B. Beekeeping allowed.

1. Honey bee keeping is allowed in the City with permission from all abutting property owners of the property where the hive is kept upon issuance of a permit. These provisions do not overrule private covenants or declarations of restrictions that may be applicable to private property. Keeping honey bees in violation of this section is prohibited.

2. Types of Bees. Bees must be Western honey bee *Apis mellifera* species only, although of varying ecotypes such as German or black honey bee, *Apis mellifera mellifera*; Italian honey bee, *Apis mellifera ligustica*; Carniolan honey bee, *Apis melliferacarnica*; or Caucasian honey bee, *Apis mellifera caucsica*. Keeping *apis mellifera scutellata* (Africanized honey bee) is prohibited.
C. Location requirements.
   1. Honey bees may not be kept on a lot less than a one third of an acre (13,200 sq. ft.).
   2. Honey bees may be kept only in R-1 to R-3 zoned districts and on any privately owned, recreationally zoned property.
   3. No hives may be placed in the setback and must be 25' from the side or back lot lines and 50' from any recreation area or principal building on abutting properties.
   4. No hives may be located in front yards. For this subsection the front yard is the area extending across the full width of the lot from a line parallel to the front or main entrance of the principal structure to the base setback line.
   5. Hive entrances must be located so that they do not face the neighboring property’s principal structure or recreation area and that the general flight pattern is in a direction that will minimize honey bee contact with humans and neighboring structures and vehicles.

D. Permit, Permission, and Inspection Required.
   1. A beekeeper must apply to and be issued a permit by the Inspection Services Department. The applicant must provide a survey to scale that includes the proposed hive location, its distance to property lines, recreation areas and principal structure on abutting properties, and the size of the lot. The applicant may submit a survey which is over a year old, however, the survey must accurately portray existing conditions and if during inspection it is determined it does not, the permit will be revoked and any colonies and hives will be required to be removed immediately.
   2. Neighbor Permission Required.
      a. Prior to applying for a permit, a prospective beekeeper must obtain written permission from the property owners of any single-family home whose property abuts the parcel. Permission must be provided on the City’s form and filed with the application. This requirement does not apply to privately owned parcels zoned recreational.
      b. Neighbor Permission may be withdrawn by filing written notice with the Department. Permission withdrawal may not be submitted by anyone obtaining abutting property after a permit is issued. If permission is withdrawn, the Department will notify the beekeeper in writing, sent via U.S. Mail, return receipt requested, that the permit is void and the beekeeper shall have 90 days in which to remove the colony and hive from the date notice is received. If the
Department receives permission withdrawal notice after August 1, then the colonies and hives must be removed no later than May 1 of the subsequent year.
c. Only one property owner signature is required for either permission or permission withdrawal per parcel regardless of the number of persons who may own the property or which property owner, if more than one, gave permission initially.

3. A beekeeper has one year in which to locate and install any hives from the date the permit is issued. The failure to locate hives on the property in this time period will result in the permit’s expiration. Once a permit has expired, a beekeeper must begin the permit process again from the start, including obtaining neighbor permission.

4. The beekeeper must notify the Department in writing within 7 days that the hives have been installed. The Department will inspect the property for compliance with this section within 45 days from notification receipt. If the hives do not comply with this section, the Department will issue a written compliance letter and the failure to comply with the notice in the time set forth will result in permit revocation and the colony and hives must be removed immediately. If a beekeeping permit is revoked, a permit shall not be issued to the beekeeper for two years.

5. The City will maintain a public database on its website with the name and address of all permitted beekeepers.

6. The permit fee is as set in §15.04.780.1.

E. Other requirements

1. No more than two hives are allowed on the minimum size lot, except that one additional temporary hive for splitting is allowed, prior to its removal to another location or until recombined with existing hives, until no later than October 15. Additional permanent hives may be allowed at a rate of one per each additional half acre.

2. A constant supply of water shall be provided for all hives from a source within 10 feet of the hive entrance(s) to prevent honey bees from seeking water sources at nearby properties, except when temperatures are below freezing. The source shall include a way for the honey bees to access the water from a solid surface. Water shall be maintained so as not to become a breeding ground for mosquitos.

3. No beekeeper shall keep honey bee colonies or hives that cause any nuisance, unhealthy conditions, create a public threat or interfere with the normal use and enjoyment of any public property or property of others.
4. No one may operate a commercial enterprise offering honey bees, honey bee by-products, or beekeeping supplies unless the operation complies with the home occupation regulations of the zoning district.

Part II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part III. Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Part IV. The provisions of this ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted by the Common Council this 15th day of January, 2019

Approved: ________________________________

Steven V. Ponto, Mayor

Attested: ________________________________

Kelly Michaels, City Clerk

Publish Date: January 23, 2019