



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 24275

File ID: 24275

File Type: Ordinance

Status: Council Public Hearing

Version: 1

Reference:

Controlling Body: PLAN COMMISSION

File Created Date : 10/17/2011

File Name: Honeybees

Final Action:

Title: Creating Section 9.53 to provide for a license for keeping honeybees and amending portions of Chapter 28 of the Madison General Ordinances of the conservancy, agriculture, and residential districts to allow the keeping of honeybees as a permitted use.

Notes: 4915honeybees
Introduced from the Floor

CC Agenda Date: 10/18/2011

Sponsors: Satya V. Rhodes-Conway, Marsha A. Rummel and Michael E. Verveer

Effective Date:

Attachments: Honeybee Ordinance FAQ.pdf

Enactment Number:

Author: Katherine Noonan

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	10/17/2011	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:		Plan Commission; Treasurer; Public Hearings: Plan Commission, 11/7/11; Common Council, 11/29/11				
1	COMMON COUNCIL	10/18/2011	Referred for Public Hearing	PLAN COMMISSION			Pass
	Action Text:		A motion was made by Ald. Rhodes-Conway, seconded by Ald. Verveer, to Refer for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.				
	Notes:		Additional Referrals: Sustainable Design and Energy, Community Gardens Committee, Board of Health for Madison and Dane County				
1	PLAN COMMISSION	10/19/2011	Refer	SUSTAINABLE DESIGN AND ENERGY COMMITTEE			
	Action Text:		This Ordinance was Refer to the SUSTAINABLE DESIGN AND ENERGY COMMITTEE				
	Notes:						
1	PLAN COMMISSION	10/19/2011	Refer	COMMUNITY GARDENS COMMITTEE			
	Action Text:		This Ordinance was Refer to the COMMUNITY GARDENS COMMITTEE				

Notes:

1	PLAN COMMISSION	10/19/2011	Refer	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	11/10/2011
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Action Text: This Ordinance was Refer to the BOARD OF HEALTH FOR MADISON AND DANE COUNTY

Notes:

1	COMMON COUNCIL	11/01/2011			
1	PLAN COMMISSION	11/07/2011	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	PLAN COMMISSION	12/19/2011

Pass

Action Text: A motion was made by Olson, seconded by Ald. Schmidt, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION and should be returned by December 19, 2011. The motion passed by voice vote/other.

Notes: The Plan Commission recommended that this zoning text amendment be referred to its December 19, 2011 meeting pending recommendations from the Sustainable Design And Energy Committee, Community Gardens Committee, and Board Of Health For Madison and Dane County.

1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	11/10/2011	Return to Lead with the Following Recommendation(s)	PLAN COMMISSION	Pass
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Action Text: Request that staff work with beekeepers to accommodate their concerns. The Board of Health for Madison and Dane County would like the ordinance to be referred back to them, when changes are made, for approval of final language.

Notes:

1	SUSTAINABLE DESIGN AND ENERGY COMMITTEE	11/21/2011			
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Text of Legislative File 24275

Fiscal Note

There may be a small increase in General Fund revenues derived from license fees.

Title

Creating Section 9.53 to provide for a license for keeping honeybees and amending portions of Chapter 28 of the Madison General Ordinances of the conservancy, agriculture, and residential districts to allow the keeping of honeybees as a permitted use.

Body

DRAFTER'S ANALYSIS: This ordinance creates a license requirement for keeping honeybees and amends various portions of Chapter 28 to allow the keeping of honeybees in the conservancy, agriculture, and residential districts.

The Common Council of the City of Madison do hereby ordain as follows:

1. Sec. 9.53 entitled "Keeping of Honeybees" of the Madison General Ordinances is created to read as follows:

"9.53 KEEPING OF HONEYBEES.

Any person who keeps honeybees in the City of Madison shall obtain an annual license prior to January 1 of each year, or within thirty (30) days of acquiring the honeybees. The license year commences on January 1 and ends on the following December 31.

Application shall be made to the City Treasurer and the fee for the license shall be ten dollars (\$10.00).

The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of five dollars (\$5.00) from every owner of honeybees, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within thirty (30) days of acquiring the honeybees. All the late fees received or collected shall be paid into the local Treasury.

The Zoning Administrator may revoke a license if there are three (3) or more violations within any six- (6) month period of this or any ordinance in Chapter 28, MGO, regulating the keeping of honeybees.”

2. Paragraph 5. of Subdivision (b) entitled “Permitted Uses” of Subsection (2) entitled “Conservancy District” of Section 28.07 entitled “Special Districts” of the Madison General Ordinances is created to read as follows:

“5. Keeping of honeybees, provided that:

- a. No hive shall exceed ten (10) cubic feet in volume.
- b. No hive shall be located closer than fifteen (15) feet from any property line.
- c. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- d. A constant supply of water shall be provided for all hives.
- e. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- f. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- g. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.”

3. Subparagraph i. of Paragraph 11. of Subdivision (b) entitled “Permitted Uses” of Subsection (3) entitled “Agriculture District” of Section 28.07 entitled “Special Districts” of the Madison General Ordinances is created to read as follows:

“i. Keeping of honeybees, provided that:

- i. Hives may be located only on lots with residential use unless the principal use of the lot is an agricultural use.
- ii. No more than two (2) hives may be located on a lot unless the principal use of the lot is an agricultural use.
- iii. No hive shall exceed ten (10) cubic feet in volume.
- iv. No hive shall be located closer than fifteen (15) feet from any property line.
- v. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- vi. A constant supply of water shall be provided for all hives.
- vii. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- viii. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- ix. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.”

4. Subparagraph I. of Paragraph 8. of Subdivision (b) entitled “Permitted Uses” of Subsection (2) entitled “R1 Single-Family Residence District” of Section 28.08 entitled “Residence Districts” of the Madison General Ordinances is created to read as follows:

“I. Keeping of honeybees, provided that:

- i. Hives may be located only on lots with residential use.
- ii. No more than two (2) hives may be located on a lot.
- iii. No hive shall exceed ten (10) cubic feet in volume.
- iv. No hive shall be located closer than fifteen (15) feet from any property line.
- v. No hive shall be located closer than forty (40) feet from a public sidewalk or a

principal building on an abutting lot.

- vi. A constant supply of water shall be provided for all hives.
- vii. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- viii. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- ix. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.”

5. Paragraph 5. of Subdivision (b) entitled “Permitted Uses” of Subsection (7) entitled “R6 General Residence District” of Section 28.08 entitled “Residence Districts” of the Madison General Ordinances is amended to read as follows:

“5. Accessory Uses-, including but not limited to:

a. Keeping of honeybees, provided that:

- i. Hives may be located only on lots with residential use.
- ii. No more than two (2) hives may be located on a lot.
- iii. No hive shall exceed ten (10) cubic feet in volume.
- iv. No hive shall be located closer than fifteen (15) feet from any property line.
- v. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- vi. A constant supply of water shall be provided for all hives.
- vii. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- viii. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- ix. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.”

6. Subparagraph e. of Paragraph 7. of Subdivision (b) entitled “Permitted Uses” of Subsection (9) entitled “R4L Limited General Residence District” of Section 28.08 entitled “Residence Districts” of the Madison General Ordinances is created to read as follows:

“e. Keeping of honeybees, provided that:

- i. Hives may be located only on lots with residential use.
- ii. No more than two (2) hives may be located on a lot.
- iii. No hive shall exceed ten (10) cubic feet in volume.
- iv. No hive shall be located closer than fifteen (15) feet from any property line.
- v. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- vi. A constant supply of water shall be provided for all hives.
- vii. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- viii. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- ix. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.”

7. Subparagraph e. of Paragraph 7. of Subdivision (b) entitled "Permitted Uses" of Subsection (11) entitled "R4A Limited General Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is created to read as follows:

"e. Keeping of honeybees, provided that:

- i. Hives may be located only on lots with residential use.
- ii. No more than two (2) hives may be located on a lot.
- iii. No hive shall exceed ten (10) cubic feet in volume.
- iv. No hive shall be located closer than fifteen (15) feet from any property line.
- v. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- vi. A constant supply of water shall be provided for all hives.
- vii. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- viii. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- ix. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license."

8. Paragraph 3. of Subdivision (b) entitled "Permitted Uses" of Subsection (12) entitled "R1-R Rustic Residence District" of Section 28.08 entitled ""Residence Districts" of the Madison General Ordinances is created to read as follows:

"3. Keeping of honeybees, provided that:

- a. Hives may be located only on lots with residential use.
- b. No more than two (2) hives may be located on a lot.
- c. No hive shall exceed ten (10) cubic feet in volume.
- d. No hive shall be located closer than fifteen (15) feet from any property line.
- e. No hive shall be located closer than forty (40) feet from a public sidewalk or a principal building on an abutting lot.
- f. A constant supply of water shall be provided for all hives.
- g. On all lots where hives are located within twenty-five (25) feet of a property line, a flyway barrier shall be located parallel to the property line and shall be at least six (6) feet in height and extend at least ten (10) feet in each such parallel direction from the hive. The barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- h. The owner, operator, or tenant obtains a license under Sec. 9.53, MGO.
- i. The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license."