

CITY OF MADISON, WISCONSIN

SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

10/18/11-FROM THE FLOOR
Plan Commission; Treasurer;
Public Hearings:
PC 11/7/11; CC 11/29/11

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.

LEGISTAR # 24275

Drafted by: Katherine Noonan
Date: January 31, 2012
SPONSOR: Aids. Rhodes-Conway & Rummel

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 twenty (20) cubic feet in volume.
b. No hive shall be located closer than three (3) feet from any property line.

Approved as to form:

- c. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
- d. A constant supply of water shall be provided for all hives.
- e. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
- 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 six (6) hives may be located on a lot unless the principal use of the lot is an agricultural use.
 - iii. No hive shall exceed twenty (20) cubic feet in volume.
 - iv. No hive shall be located closer than three (3) feet from any property line.
 - v. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
 - vi. A constant supply of water shall be provided for all hives.
 - vii. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
 - 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 six (6) hives may be located on a lot.
 - iii. No hive shall exceed twenty (20) cubic feet in volume.
 - iv. No hive shall be located closer than three (3) feet from any property line.
 - v. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
 - vi. A constant supply of water shall be provided for all hives.
 - vii. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
 - 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 six (6) hives may be located on a lot.
 - iii. No hive shall exceed twenty (20) cubic feet in volume.
 - iv. No hive shall be located closer than three (3) feet from any property line.
 - v. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
 - vi. A constant supply of water shall be provided for all hives.
 - vii. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
 - 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 six (6) hives may be located on a lot.
 - iii. No hive shall exceed twenty (20) cubic feet in volume.
 - iv. No hive shall be located closer than three (3) feet from any property line.
 - v. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
 - vi. A constant supply of water shall be provided for all hives.
 - vii. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
 - 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 six (6) hives may be located on a lot.
 - iii. No hive shall exceed twenty (20) cubic feet in volume.
 - iv. No hive shall be located closer than three (3) feet from any property line.
 - v. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
 - vi. A constant supply of water shall be provided for all hives.
 - vii. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
 - 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 six (6) hives may be located on a lot.
- c. No hive shall exceed twenty (20) cubic feet in volume.
- d. No hive shall be located closer than three (3) feet from any property line.
- e. No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
- f. A constant supply of water shall be provided for all hives.
- g. A flyway barrier shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it 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.
- 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.”