



Urban Beekeeping Permit Application

City of Oshkosh
Planning Services Division
Room 204, City Hall
215 Church Avenue
Oshkosh, WI 54903-1130
920-236-5059

PERMIT IS VALID FOR ONE CALENDAR YEAR BEGINNING JANUARY 1, AND ENDING DECEMBER 31. Permits obtained after January 1 in any given calendar year will also expire December 31 of that year; and permit fees will not be pro-rated. Permit required for urban beekeeping and bees are only permitted on lots containing single-family residential properties.

APPLICANT/PROPERTY INFORMATION

Applicant Name: _____ Date: _____
Address (where beekeeping is to take place): _____
Mailing Address (if different): _____ Zip _____
Contact # _____ E-mail: _____
Property Zoning District: _____ Single-Family Use? (lot must contain a single-family property)
Property Square Footage: _____

PERMIT FEES

Permit fee is \$15.00.

REGULATIONS FOR BEEKEEPING

Total number of hives to be kept: _____
For lots 1/2 acre or smaller – maximum of 2 hives. Lots larger than 1/2 acre but smaller than one acre – maximum of 4 hives. Lots one acre or larger – maximum of 6 hives

- You must provide the following with your application:
- Scaled Site Plan/Zoning approved by Planning Services (*Planning Services can provide this to you for a fee*)
Site plan must show the required flyway barrier for hives located within 25' of a lot line.
 - Written statement of support from your property owner if you are not the owner of the property.
 - Written agreement between your property owner and you as the applicant as to plans for maintenance of the hives and bees and their disposition after the applicant vacates the premises.
 - Volume of proposed hive(s) (15 cubic feet maximum)

Complete regulations regarding urban beekeeping within the city of Oshkosh can be found on the City of Oshkosh website at <http://www.ci.oshkosh.wi.us>, Municipal Codes, Chapter 6, Animals.

REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:
I hereby certify that the information submitted is true and correct to the best of my knowledge. In submitting the permit application, I acknowledge and agree the application is subject to all the regulations found in Chapter 6, Animals of the Oshkosh Municipal Code and further agree to fully comply with said regulations. If the requirements of Chapter 6, Animals are not complied with, the City of Oshkosh shall revoke any permit granted. Once a permit has been revoked, it shall not be reissued for a period of at least two years.

Applicant Signature

Date

SECTION 6-3.3 URBAN BEEKEEPING

(A) Purpose

The purpose of this section is to establish requirements for urban beekeeping on lots containing single family residential uses within the city. Honeybees are critical pollinators for flowers, fruits and vegetables. Managed colonies of bees help to increase yields and quality of a large variety of plants commonly found in backyard gardens, parks, and natural areas. A growing interest in renewable resources has prompted more people to take up urban beekeeping as a way to produce their own honey, beeswax, pollen and other hive products that are high in nutritional value. Domestic strains of honeybees have been selectively bred for desirable traits so that they can be kept within populated areas and in reasonable densities. By providing reasonable regulations for urban beekeeping on properties, the City can support a sustainable activity while setting standards that are practical for beekeepers and safe for neighbors.

(B) Definitions

- (1) "Apiary" means the assembly of one or more colonies of bees at a single location which also include wild bee houses constructed by the property owner.
- (2) "Africanized honey bee" (*Apis mellifera scutellata*) means a subspecies or hybrid of the common domestic honey bee (*Apis mellifera*) native to central and southern Africa.
- (3) "Beekeeper" means a person who owns or has charge of one or more colonies of bees which also includes a person constructing a wild bee house on their property.
- (4) "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (5) "Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- (6) "Hive" means the receptacle inhabited by a colony that is constructed for that purpose.
- (7) "Honey bee" means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

- (8) "Lot" means a contiguous parcel of land under common ownership.
- (9) "Nucleus colony" means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- (10) "Primary Residential Structure" shall mean any building located on a lot and used for living purposes.
- (11) "Undeveloped property" shall mean any idle land that is not improved or not in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith.

(C) Permit required

- (1) No beekeeping may occur on any property in the city unless the Community Development Director or designee issues a permit to the beekeeper on that specific property. The permit will be valid for a single calendar year beginning on January 1st and expiring on December 31st.
- (2) Every Beekeeper shall pay the City Treasurer prior to January 1 of each year, the sum of Fifteen (\$15.00) for a permit to keep bees on property owned or occupied by the person.
- (3) A beekeeping permit will only be issued if:
 - (a) The permit application is submitted including but not limited to the following information: name of applicant, property address, contact number, license fee, and scaled site plan consistent with the standards of practice identified within this section; together with any additional information reasonably determined to be necessary by the Director of Community Development to determine whether the applicant has or will comply with all standards of practice identified within this section and any other applicable ordinance or statutory requirements. Tenants submit to the City a written statement of support signed by the property owner. Tenants seeking to keep bees also submit a written agreement between the landlord/property owner and applicant, as to the plans for maintenance of the hives and bees and their disposition after the applicant vacates the premises.
 - (b) A permit is issued by the Planning Services Division for construction of the required flyaway barrier, if necessary.

- (4) Permits are personal to the applicant, non-transferrable, and do not attach to or run with the land.
- (5) The fee for the initial permit shall be as established by the Common Council. Annual renewal of the permit is required and the fee for the renewal shall be equal to the initial permit fee as established by this Chapter.
- (6) If the standards of practice are not established and/or maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the City. Once a permit has been revoked, it shall not be reissued for a period of at least two years.

(D) Standards of practice

- (1) In all zoning districts, the following regulations shall apply:
 - (a) Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
 - (b) The maximum size of a hive shall not exceed 15 cubic feet in volume.
 - (c) The maximum number of hives allowed on any lot are based on the size of lot, as follows:
 - (i) Lot size of ½ acre or smaller: maximum two (2) hives allowed.
 - (ii) Lot size larger than ½ acre but smaller than one acre: maximum four (4) hives allowed.
 - (iii) Lot size of one acre or larger: maximum of six (6) hives allowed.
 - (d) No beehive shall be kept closer than five (5) feet to any lot line and twenty-five (25) feet to a primary residential structure or the permitted placement of a primary residential structure on another parcel, and beehive shall be placed only in the rear or side yard. The entrance of any beehive shall face away from the property line of the adjacent property closest to the beehive. Beekeeping equipment shall be screened to avoid being visible from the street or sidewalk.
 - (e) A solid wall, fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height, must be placed around all beehives located within twenty-five (25) feet of a lot line. This flyway barrier shall be located within five (5) feet of the hive entrance and shall extend at least three (3) feet on either side of the hive (See Appendix X).

- (f) Flyway Barrier Exemptions. No such flyway barrier shall be required for individual beehives that are located on roofs, porches or balconies at least ten (10) feet above grade. Beekeeping equipment kept on roofs, porches or balconies shall be screened from view. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or non-residential, or is a wildlife management area or naturalistic park land with no horse or foot trails within twenty-five (25) feet of the apiary lot line.
- (g) A supply of fresh water no smaller than three (3) gallons in size shall be maintained in a location within ten feet of each colony and readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- (h) Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.
- (i) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking.
- (j) Unused equipment shall be secured from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees. Prohibitions. Africanized honey bees (*Apis mellifera scutellata*) are prohibited and may not be kept on a property under the regulations of this Section.
- (k) Bees shall not be kept or maintained upon a vacant lot or inside a primary residential structure, including basements, porches, garages, or accessory structure such as garages, sheds, or similar storage structures.

(A) Appeals regarding Determinations to Deny Permit

- (1) The City of Oshkosh elects not to be strictly bound by the provisions of Chapter 68 Wisconsin Statutes in relation to Appeals of Determinations to Issue Beekeeping Permits under this Chapter and appeals shall proceed as follows.
- (2) Per Section 30-344(B)(1) of the City of Oshkosh Municipal Code, any person denied a permit may file an appeal with the Board of Zoning Appeals within ten (10) business days of the date the notice of denial is postmarked.
- (3) Notices of Appeal shall be filed with the Department of Community Development in writing, specify the reasons for the appeal and be signed by the person making the appeal.
- (4) The Board of Appeals shall decide whether to uphold or reverse the administrative decision of the Director of Community Development or Designee.
- (5) The Board of Appeals shall act upon the appeal and issue its written decision within sixty (60) days of the filing of the Notice of Appeal per Section 30-412(H)(1). The decision of the Board of Appeals shall be the final determination in relation to this issue and may be appealed within the time specified and as provided in Section 68.13 Wisconsin Statutes.

(B) Revocations of Permits

- (1) Revocation of permits may be commenced by complaint filed by city staff acting in their official capacity or by any abutting property owner.
- (2) Complaints shall be filed with the Department of Community Development in writing, specify the reasons the permit should be revoked and be signed by the person making the complaint.
- (3) Complaints shall be heard before a Hearing Officer who shall be appointed by the City Manager. Any person or party aggrieved by such decision of the Hearing Officer may appeal such decision to the Board of Zoning Appeals by filing a written notice of appeal with the City Clerk within ten (10) City business days of mailing of a written order from the Hearing Officer.
- (4) The Board of Appeals shall decide whether to uphold or reverse the administrative decision of the Hearing Officer.
- (5) The Board of Appeals shall act upon the appeal and issue its written decision within sixty (60) days of the filing of the Notice of Appeal per Section 30-412(H)(1). The decision of the Board of Appeals shall be the final determination in relation to this issue and may be appealed within the time specified and as provided in Section 68.13 Wisconsin Statutes.
- (6) Unless appealed as provided above in which case such appeal shall act as a stay upon this provision until a final determination is issued by a court of competent jurisdiction, upon revocation of a permit the property owner shall cease all beekeeping activity on his or her lot within 14 days. Failure to do so shall be considered a violation of this Ordinance. The Director of Community Development or Designee shall have the responsibility of enforcing this provision and may take such action as is necessary to abate such violation.

FLYWAY BARRIER DIAGRAM

