

ORDINANCE NO. XXX
AN ORDINANCE TO CREATE SECTION XX
OF THE VILLAGE OF ELM GROVE MUNICIPAL CODE
TO ALLOW BEEKEEPING IN THE VILLAGE OF ELM GROVE

WHEREAS, it has come to the attention of the Board of Trustees of the Village of Elm Grove that its residents would like to allow beekeeping; and

WHEREAS, it has also come to the attention of the Board of Trustees of the Village of Elm Grove that current Village ordinances regarding animals does not regulate the operations of beekeeping, and therefore the Board of Trustees intends to add the following information to the permission of allowing beekeeping in the Village of Elm Grove; and

WHEREAS, the Board of Trustees of the Village of Elm Grove instructed the Village Clerk to draft a beekeeping ordinance for the Village Board to review and approve to allow beekeeping in the Village of Elm Grove; and

WHEREAS, the Board of Trustees of the Village of Elm Grove has reviewed an ordinance to allow beekeeping in the Village of Elm Grove which the Village of Elm Grove therefore intends to adopt provisions to aid in enforcement and thereby protect the health, safety and welfare of persons and property in the Village of Elm Grove; and

NOW, THEREFORE, the Board of Trustees of the Village of Elm Grove, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Article III: Chapter 95 of the Village of Elm Grove Municipal Code entitled “Animals and Bees,” Section 95-2 entitled “Beekeeping Contact Card Requirement.”

Section (1) Definitions.

- (a) Beekeeper - a person who owns or is responsible for one or more Hives or Colonies of bees.
- (b) Beekeeping - the deliberate harboring, keeping and maintenance of Colonies or Hives of Honey Bees.
- (c) Beekeeping Equipment - anything used in the keeping of Bees, such as hive bodies, supers, frames, top and bottom boards, and extractors.
- (d) Colony - a group of Honey Bees consisting principally of workers, but under usual circumstances having one queen and many drones; and including brood, combs, and honey.
- (e) Department - the Village of Elm Grove clerk's office.

- 39 (f) Hive - a (one) container in which a Colony resides.
- 40 (g) Honey Bee - all life stages of the common domestic honey bee, species *apis*
41 *mellifera*, bred for gentleness and non-swarming characteristics, and excludes any
42 known Africanized hybrids.
- 43 (h) Village of Elm Grove Beekeeping Information Card- Information card which is filed
44 with the Clerk's Office allowing the Village of Elm Grove to have all important
45 contact information related to permitting beekeeping in the Village of Elm Grove.

46 **Section (2) Village of Elm Grove Beekeeping Information Contact Card Required.**

- 47 (i) No person may engage in Beekeeping, or the maintenance of Colonies or
48 Hives, within the Village of Elm Grove without completing a Village of Elm
49 Grove Beekeeping Information Contact Card for the locations at which Hives
50 or Colonies are maintained, and a Village of Elm Grove Beekeeping
51 Information Contact Card shall be required for each location.

52 **Section (3) General Rules.**

- 53 (j) No person may keep Colonies or Hives in the Village of Elm Grove in any way
54 that causes a public nuisance, causes an unreasonable risk of physical harm to any
55 person or domestic animal, unreasonably interferes with normal activities of
56 persons or domestic animals, or unreasonably interferes with the normal use and
57 enjoyment of any private or public property. Compliance with all of the
58 requirements of this Section shall create a rebuttable presumption of compliance
59 with this subsection.
- 60 (k) No person may intentionally keep colonies or hives of bees other than Honey
61 Bees, except for wild bees that select their hive location naturally.
- 62 (l) All Colonies shall be kept in a well maintained Langstroth, Top Bar, or Warre,
63 which shall be maintained in sound and sanitary condition.

64 **Section (4) Location of Hives.**

- 65
- 66 (m) Hives shall not be located less than 20 feet, measured at the closest points, from
67 the boundary of the property on which the Hives are located and any other
68 property, unless the properties on either side of the boundary are owned by the
69 same individual or entity, or unless the then-current owner of the adjacent property
70 gives written permission for the hives to be nearer than 20 feet.

71 **Section (5) Maximum Numbers of Hives Allowed.**

72 No person shall keep more than the following numbers of Hives in the Village:

- 73 (n) Parcels one-quarter acre or less, two (2) Hives.
- 74 (o) Parcels larger than one-quarter acre but no larger than one-half acre, four (4)
75 Hives.

- 76 (p) Parcels larger than one-half acre but no larger than one acre, six (6) Hives.
- 77 (q) Parcels larger than one acre, eight (8) Hives.
- 78 (r) Regardless of parcel size, if all Hives are located at least 200 feet in any direction
79 from all boundary lines of the parcel on which the Hives are located, there shall be
80 no limit to the number of Hives.
- 81 (s) There is the exception for the rarely required additional temporary small hives such
82 as queen mating nucs or captured swarm hives that will be temporary until homed.

83 **Section (6) Aggressive Behavior.** The Beekeeper must use all practical skills to prevent
84 aggressive behavior.

85 **Section (7) Maintenance.** Beekeepers shall maintain all Hives and Beekeeping Equipment in a
86 good and sanitary condition, and shall observe at all times the best accepted practices
87 recognized within the beekeeping industry including assuring a constant supply of water.
88 Beekeepers shall ensure that no honey comb or other materials that might attract wildlife,
89 rodents or vermin are left open on the property. Upon removal from the Hive, all such
90 materials shall be promptly disposed of in a sealed container, or placed within a building or
91 other bee-proof enclosure.

92

93 **Section (8) Inspection.** The Village of Elm Grove reserves the right to inspect any
94 property that has a Village of Elm Grove Beekeeping Information Contact Card on file
95 with the Village of Elm Grove. The Village of Elm Grove reserves the right to ask for
96 assistance from experienced Beekeeping Owners to assist in the Inspection of Beekeeping
97 activity. Expenses of inspections shall be paid by Beekeeper if any violations of the
98 ordinance are found.

99 **Section (9) Violation and Penalties.**

- 100 (t) Conduct not in compliance with this Section is prohibited.
- 101 (u) Violation of the terms of this Section shall result in the revocation of the
102 Beekeeping at the location. Upon revocation, all Beekeeping at the location
103 shall cease, subject to the appeal to the Board of Trustees of the Village of
104 Elm Grove.
- 105 (v) Any person who keeps bees without a Village of Elm Grove Beekeeping
106 Information Contact Card on file with the Village of Elm Grove, which is
107 required by this Section shall be subject to general penalties as established by
108 the Board of Trustees of the Village of Elm Grove, and all Honey Bees,
109 Hives and Colonies belonging to the person or under the person's control
110 shall be removed from the Village or destroyed.
- 111 (w) Any person having a Village of Elm Grove Beekeeping Information Contact
112 Card on file with the Village of Elm Grove, required by this Section who
113 violates this Section shall, in addition to having his or her privilege revoked,
114 be subject to the penalties described in Section 9 of this Code, and in addition,

115 upon second and subsequent violations of this Section, all Hives and Colonies
116 belonging to or under the control of the Beekeeper shall be ordered removed
117 from the Village.

118 **Section (10) Compliance with laws.** All applicable laws, including applicable zoning
119 requirements, must be followed. In the event of a conflict between this Article and other
120 provisions of this Code or applicable zoning requirements or other laws, the more restrictive
121 shall apply. If any section, sentence, clause, phrase or portion of this ordinance is for any reason
122 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
123 deemed a separate, distinct and independent provision, and such holding shall not affect the
124 validity of the remainder of such ordinance.

125
126 Adopted this _____ day of January 2021 by the Board of Trustees of the Village of Elm Grove,
127 Waukesha County, Wisconsin:

128
129 _____
130 Neil Palmer, Village President

131
132
133 ATTEST:
134
135 _____
136 Michelle Luedtke
137 Village of Elm Grove Clerk
138 Waukesha County