

**TITLE 6 ANIMALS**

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## **6.1 ARTICLE 1 - ANIMALS**

### **6.1.1 Dog and cat licenses.**

Required. Any person owning, keeping, harboring or having custody of any dog over five months of age within the Village of Fall Creek must obtain a license as provided in this section and in accordance with W.S.A. Ch. 174. Any person obtaining a dog that is older than five months of age shall have 30 days to apply for an original license, except that this requirement will not apply to a nonresident keeping a dog within the village for less than 30 days.

#### **A. Application.**

- (1) Application for a license shall be made to the Village Clerk/Treasurer and shall include the name and address of the applicant, a description of the animal, the appropriate fee, whether the animal is spayed or neutered, and a rabies certificate or tag issued by a licensed veterinarian. The rabies certificate or tag will illustrate that the animal for which the license is sought has received current immunization for rabies, or a statement issued by a licensed veterinarian that the immunization for rabies is contraindicated for the animal will be provided.
- (2) A rabies certificate or tag shall be deemed valid if the termination date of the immunization falls after the date of application for the license. Written proof is required from a licensed veterinarian that the animal being licensed has been spayed or neutered in order to qualify for a reduced license fee.

#### **B. Fee.** A license shall be issued after payment of the fee specified by the village board.

#### **C. Payment responsibility.** The owner harboring or sheltering, or the head of the family, shall be liable for payment of the license fee of any dog or cat owned, harbored, or kept by any member of the family.

#### **D. Issuance.** Upon acceptance of the license application and fee, the Village Clerk/Treasurer shall issue a tag. The tag shall be securely attached by the licensee to a collar or harness, and the collar or harness with the tag attached shall be kept on the animal for which the license is issued at all times. No person other than the owner or a police officer in the line of duty shall remove said license tag from the animal.

### **6.1.2 Care and supervision.**

All dogs, cats and domesticated animals shall be cared for, maintained, and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No dog, cat or other domesticated animal shall be abandoned or turned loose by its owner or keeper.

- #### **A. Complaints.** No person may own, keep, have in his or her possession or harbor any bird or animal which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to person(s) in the neighborhood. No prosecution may be commenced except upon the request of the chief of police or his designee following a written complaint signed by one or more affected adult person(s). No person(s) may be convicted under the provisions of this section except upon testimony

of one or more adult persons(s).

- B. Citations. Notwithstanding Subsection A, enforcement personnel from the police department may utilize a citation to help obtain relief from animal annoyances. In such instances, a notice shall be issued to the owner or caretaker of the animal producing the alleged nuisance specified by the complainant. Following issuance of such notice and where subsequent complaints are received of an alleged continued nuisance, the designated enforcement agency may attempt to verify the reported animal nuisance. Where such verification is accomplished, this enforcement agency may issue or cause to be issued a citation in accordance with the other provisions of this article on the owner or caretaker of the animal causing the disturbance.

**6.1.3 Mad, rabid, vicious or dangerous animals.**

- A. Any dog, cat, or domesticated animal, whether licensed or not, which shall be known to be or which there is good reason to believe is mad, rabid, vicious or dangerous to the public shall be impounded and disposed of according to law.
  - (1) Any dog, cat or domesticated animal which has bitten any person and which shows evidence of rabies inoculation shall not be impounded but shall be confined at such place as designated by the Eau Claire City/County Board of Health for a period of 10 days under observation of a licensed veterinarian, unless, in the opinion of the Eau Claire City/County Board of Health, the animal exhibits symptoms of illness, in which case the dog, cat or domesticated animal shall be impounded under the observation of a licensed veterinarian. In either case, such veterinarian shall, at the end of such period or when he has made his determination, report his findings to the Eau Claire City/County Board of Health.
  - (2) Any dog, cat or domesticated animal which has bitten any person which does not display evidence of rabies inoculation shall be immediately impounded and placed under the observation of a licensed veterinarian for 10 days. After such period of time, such veterinarian shall report thereon, in writing, to the Eau Claire City/County Board of Health.
  - (3) Under this article, display of a license tag as required by this article shall be deemed to be suitable evidence of rabies inoculation in determining whether or not impoundment is required.
  - (4) In all cases hereunder, if any dog, cat, or domesticated animal is found to be diseased, it shall be destroyed, and no person shall interfere with the village authorities or agents in carrying out their duties in this regard.
  - (5) All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or domesticated animal.
- B. This section shall apply in all cases where persons are bitten, and any person other than a licensed veterinarian is prohibited from destroying such dog, cat or domesticated animal without complying herewith.

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- C. If the owner of any dog, cat or domesticated animal shall deny that his or her animal is mad, vicious or dangerous to the public or shall deny that his or her animal has bitten any person, the police officer may summon said animal owner into court, and if the court shall decide that said animal is vicious or dangerous, said animal may be confined as provided in this section, and the costs of the investigation shall be taxed against the owner.
- D. It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the village:
- (1) Any pit bull or rottweiler dog provided that any such dogs registered with the village on the day this Section becomes effective may be kept within the village subject to the standards and requirements set forth in Subsection (2). "Pit bulldog" as that term is used in this Subsection is defined to mean:
    - (a) The Staffordshire bull terrier breed of dog;
    - (b) The American pit bull terrier breed of dog;
    - (c) The American Staffordshire terrier breed of dog;
    - (d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
  - (2) Keeping of registered dogs. The provisions of Subsection (2) are not applicable to owners, keepers, or harborers of pit bull or rottweiler dogs registered with the village. Keeping, owning, or harboring of such dogs is, however, subject to the following conditions:
    - (a) Leash and muzzle. No person shall permit a registered dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a registered dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all registered dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
    - (b) Confinement. All registered dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in (2)(a). All pens or kennels shall comply with all zoning and building regulations of the village and shall be kept in a clean and sanitary condition.
    - (c) Confinement indoors. No registered dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition.
    - (d) Signs. All owners, keepers, or harborers of registered dogs within the village shall, within ten (10) days of the effective date of this subsection, display in a prominent place on their premises a sign easily readable by the public using the

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words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- (e) Insurance. All owners, keepers, or harborers of registered dogs must, within thirty (30) days of the effective date of this Subsection, provide proof to the clerk's office of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the clerk's office.
  - (f) Registration. All owners, keepers, or harborers of dogs subject to registration shall, within thirty (30) days after the effective date of this Subsection, register said dog with the Village by filing with the Police department two (2) color photographs of the dog clearly showing the color and approximate size of the dog.
  - (g) Reporting requirements. All owners, keepers, or harborers of registered dogs must, within ten (10) days of the incident, report the following information in writing to the police department:
    - i) The removal from the village or death of a registered dog;
    - ii) The birth of offspring of a registered dog;
    - iii) The new address of a registered dog should the dog be moved within the village;
    - iv) If the registered dog is sold, the name and address of the new owner.
  - (h) Animals born of registered dogs. All offspring born of registered dogs within the village must be removed from the village within six (8) weeks after the birth of said animal.
  - (i) Failure to comply. It shall be unlawful for the owner, keeper, or harborer of a dog registered with the village to fail to comply with the requirements and conditions set forth in this subsection.
- E. Purpose. The purpose of this subsection is to protect the public health, safety, and general welfare of the citizens and visitors of the village by reasonable regulation of dangerous dogs.
- (1) Definitions.
    - (a) "village" means the Village of Fall Creek, or the official, agent, or employee of the village designated by the village president.
    - (b) "Dangerous dog," as used in this section, means:
      - i) Any dog which, without provocation, has attacked, bitten, or injured any human being or domestic animal on public or private property; or

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- ii) Any dog which, without provocation, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals; or
  - iii) Any dog which is owned, harbored, or trained primarily or in part for the purpose of dog fighting.
  - iv) "Department" means the village police department.
  - v) "Harbored" means that the dog has been fed or sheltered for three (3) or more consecutive 24-hour (twenty-four hour) periods. This definition shall not apply to any veterinary clinic or boarding kennel in the village.
  - vi) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or keeping any dog, or in the case of a person under the age of 18, that person's parent or legal guardian.
- (2) Prohibitions.
- (a) No person shall own, harbor, keep, or maintain within the village limits any dangerous dog.
  - (a) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous dog within the village.
  - (b) No person shall own or harbor any dog for the purpose of dog fighting or use any dog for the purpose of causing or encouraging said dog to attack human beings or domestic animals when not provoked.
  - (c) No person shall bring a dangerous dog onto any off-leash recreation area designated by the village.
  - (d) No person shall obstruct, provide false information, or otherwise unreasonably interfere with officers of the department in the enforcement of this subsection or in the capture of any dog suspected of being dangerous.
- (3) Removal. The department, through the chief of police or his or her designee, may impound any dog suspected of being dangerous for a period not to exceed thirty (30) days or may, after considering application of the relevant evidence in (1)(b), determine the dog to be a dangerous dog.
- (a) If the dog is determined to be dangerous, the department shall order the dog removed from the village within ten (10) days of the written order of the village.
  - (b) If the dog is determined dangerous, the department may, in addition to the provisions of (a), destroy the dog with the consent of the dog owner or commence an action to destroy the dog as provided in §174.02(3), Wis. Stats.
  - (c) All orders of the village under this subsection shall be in writing and served upon or mailed to the owner of the dangerous dog at the owner's last known address. The village shall always maintain a current list of all known dangerous dogs for which orders have been issued.

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- (d) A copy of all orders shall be filed at the time of service or mailing with the village clerk, and the village clerk shall retain such orders with the dog license records. If a dangerous dog is unlicensed at the time of issuance of any order, the village clerk shall report it to the department.
  - (e) The village clerk shall not issue a dog license to the owner of any dog determined to be dangerous under this section, except as authorized under (4).
  - (f) The owner of any dog determined to be dangerous under this subsection shall be responsible for all costs associated with the impoundment, care, or removal of the dog.
  - (g) The village shall not assess the owner of a dog not determined to be dangerous any costs of impoundment or care under this subsection.
- (4) Duration of dangerous dog status.
- (a) Upon the petition of the owner of a dog that has been previously determined to be dangerous and later removed from the village under subsection (3)(a), the village may remove the dog from its list of dangerous dogs if:
    - i) The owner demonstrates to the department that there have been no additional reported instances anywhere of the behavior, as defined in (1)(b), within a 36-month period from the date of the order to remove the dog from the village under (3)(a); and
    - ii) The owner of the dog demonstrates to the department that changes in circumstances or measures taken by the owner have mitigated the risk to public safety; and
    - iii) The owner presents to the department proof from a dog training specialist accredited by the American Kennel Club (AKC) that the dog has been certified and passed the AKC canine good citizen program; and
    - iv) The department concludes from all the evidence presented that the dog does not present a risk to public safety.
  - (b) The provisions of (4)(a) shall not apply to:
    - i) The owner of a dog that was removed from the village under (3)(a), was subsequently removed from the list of dangerous dogs under (4)(c), and was then removed from the village under (3)(a), a second time; or
    - ii) The owner of a dog removed from the village under subsection (3)(a), who is ineligible under subsection (4)(b)[1].
    - iii) The village shall notify the petitioning owner in writing of all decisions under this subsection and shall file a copy of all orders with the village clerk.
    - iv) If a village order removes a dog from the list of dangerous dogs, the village may issue a dog license to the owner of that dog as of the date of

the order.

- (5) Penalty. Any person who violates any part of (2) shall forfeit for each violation an amount listed in the village schedule, plus the costs of prosecution, including any expert testimony fees necessitated by enforcement of this Subsection. Every day that any violation of (2) continues shall be deemed a separate offense.
- (6) Repeat Offenders. Any person that repeatedly violates any part of (2) shall forfeit an amount double the deposit set forth in (5). Every day that any violation of this subsection continues shall be deemed a separate offense.
- (7) Exemptions. The provisions of this subsection shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.
- (8) Severability. If any part of this subsection is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected.

**6.1.4 Animals at large; nuisances.**

- A. No owner or caretaker of any animal may permit or suffer the animal to be at large. At-large animals are any animals on public sidewalks or streets within the village not on a leash or under the owner's control. Any animal found at large shall be deemed to be so with the permission or at the sufferance of its owner or caretaker. Any adult person alone or together with other adults may seek relief from animals at large by a complaint to the chief of police or his designee setting forth the specific date and approximate time an animal of a particular owner was observed by them to be at large.
- B. The chief or his designee shall notify the owner or caretaker of the animal, in writing, of the alleged violation and provisions of this section. If the petitioners subsequently observe that the animal is again at large, they may submit a written petition to the police department for commencement of prosecution to obtain compliance with this section. Such written petition shall contain:
  - (1) Name and address of complainant.
  - (2) Description of animal and address of owner.
  - (3) Dates and times violations were noted.
  - (4) Date reported to chief of police or his designee.
  - (5) Statement that petitioners will be willing to sign complaint and testify in court.
- C. Setting at large. No person may permit an animal to run at large by opening any door or gate of any premises or loosen any restraining device or otherwise entice any animal to leave any place of confinement.
- D. Animal litter nuisance. No owner or caretaker of any animal may appear with the animal on any street, alley, sidewalk, lawn, field or any public property or upon a property other than his or her own in residential areas without a shovel, scoop, bag or other items for the removal of fecal matter. The owner or caretaker of an animal shall immediately after deposit of fecal matter on such premises remove all fecal matter by shovel, scoop, bag or



other item and properly wrap and deposit the fecal matter in his or her own approved waste container.

- E. Complaints. Any adult person alone or together with other adults may seek relief from animal fecal matter deposits as described in subsection D by a complaint to the chief of police or his designee in the same manner and procedure as set forth in subsection B.

**6.1.5 Number of dogs and cats; kennels.**

- A. No person shall keep more than two dogs or more than three cats above the age of five months in the R1, R2 or R3 District. Upon application to the Board, a variance may be granted on the number of animals allowed based on such things as location of residence, proximity of neighbors, and neighbors' objections. The Board shall define the duration of the variance and reserve the right to revoke it if complaints arise.
- B. Kennels shall be allowed only in commercial-, urban-transitional-, agricultural-, and industrial-zoned districts after a conditional use permit has been granted. A license shall be issued after payment of the fee specified by the Village Board.

**6.1.6 Animals, fowl and insects not permitted in the village.**

- A. No person shall bring into, keep, maintain, offer for sale or barter, or release to the wild, nor shall any person permit such activities to occur on premises owned, controlled, rented or maintained by that person:
  - (1) Any fowl, chicken turkeys, ducks, geese, cows, cattle, horses, sheep, swine, goats, potbellied pigs, or any other domesticated livestock, unless zoned A-1, A-2, or UT;
  - (2) Wild animals, including but not limited to, any live monkey, or other non-human primate, raccoon, skunk, ferret, prairie dog, fox, wolf, panther, lynx, opossum or any other warm-blooded animal which can normally be found in the wild state. For the purposes of this code, wolf-dog hybrids are considered wild animals;
  - (3) Any poisonous or venomous, biting or injecting species of reptiles, amphibians, arachnids or insects;
  - (4) Snakes not indigenous to Wisconsin or any snake exceeding three feet in length, this section shall not be construed to apply to zoological parks, circuses or like entertainment organizations or to an educational or medical institution.
- B. Cruelty to animals.
  - (1) Every owner or person responsible shall provide animals with a sufficient supply of good/wholesome food and potable water to maintain health.
  - (2) No person shall confine and/or allow animals to remain outside during adverse weather conditions constituting a health hazard to such animal.
    - (a) Sufficient shade by natural or artificial source shall be provided to protect the animal from direct sunlight.
    - (b) Natural or artificial shelter appropriate to the local climatic conditions shall be provided as necessary.

- (3) Every owner and/or person in charge of control of any animal which is kept outdoors, or in an unheated enclosure, shall provide such animal with shelter and bedding as prescribed in this section as a minimum.
  - (a) The housing facilities shall be structurally sound, moisture proof and maintained in good repair;
  - (b) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement and the retention of body heat;
  - (c) A solid floor raised at least two inches off the ground;
  - (d) An entrance covered by a self-closing swinging covering, or an L-shaped entrance to prevent the wind from blowing directly into the house;
  - (e) A sufficient quantity of suitable clean bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat;
  - (f) During the months of May through September, inclusive, subsection (3)(d) and € of this section may be suspended.
- (4) Every owner that houses or confines an animal in a pen or enclosure shall keep and maintain such pen or enclosure in a clean, sanitary and odor-free condition.
- (5) No person may abandon or neglect any animal.
- (6) No person shall kick, beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal.

**6.1.7 Violations and penalties.**

Any person convicted or forfeiting a fine on three counts of this article shall remove the animal from the village limits.

## **6.2 ARTICLE 2 – KEEPING OF HONEYBEES**

### **6.2.1 Purpose.**

The purpose of this ordinance is to establish certain requirements of sound beekeeping practice intended to prevent problems associated with the keeping of bees in populated areas, and to reduce the likelihood of a private or a public nuisance.

### **6.2.2 Definitions.**

For the purpose of this chapter, the following terms have the meaning indicated:

- A. “Apiary” shall mean the assembly of one (1) or more colonies of honeybees at a single location.
- B. “Beekeeper” shall mean a person who owns or has charge of one (1) or more colonies of honeybees.
- C. “Beekeeping equipment” shall mean any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
- D. “Colony” or “hive” shall mean an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times many drones including a brood, combs, honey, and the receptacle inhabited by the bees.
- E. “Honeybee” shall mean all life stages of the common domestic honeybee, *Apis mellifera* species.
- F. “Lot” shall mean a contiguous parcel of land under common ownership.
- G. “Nucleus colony” shall mean a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- H. “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.

### **6.2.3 Permit and fees required.**

- A. Persons that keep bees within a residential, commercial, or industrial district of the village must first obtain a permit. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the village not zoned for agriculture use without a permit.
- B. Applications for a permit to keep or maintain bees will be made on such forms as provided by the village.
- C. A permit fee for the licensing year shall be established in the Village of Fall Creek Schedule of Fees.
- D. Permits shall not be transferable or refundable. Only the owner of the proposed permitted real property, or an occupant of the proposed permitted real property with the owner’s written permission, is eligible to obtain a beekeeping permit.

- E. All permits issued shall expire on March 31st of the year following issuance unless sooner revoked.
- F. Applicants shall provide the following information on the original application and with each renewal:
  - (1) A detailed lot diagram of the beekeeping equipment location including the distances to property lines and from nearby structures on neighboring properties.
  - (2) Written consent from at least seventy (70) percent of the owners of real estate situated within one hundred (100) feet of the applicant's proposed beekeeping equipment.
    - (a) When the proposed location of the beekeeping equipment is within a lot greater than four (4) acres in size, the applicant is exempt from the above neighbor consent requirement if the following is true: The applicant demonstrates that the beekeeping equipment is greater than two hundred fifty (250) feet away from any property line.

**6.2.4 Conditions and exemptions for keeping and maintaining hives.**

- A. Approval of all applications is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the village administrator or designee. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the village administrator to safeguard public health and the general welfare and deemed necessary to reduce the likelihood of public or private nuisance. The number and location of hives, colonies and/or beekeeping equipment used for the housing of honeybees permitted by this section shall be determined by a permit issued by the village.
- B. Beekeeping equipment shall be restricted to rear yards and side yards and shall be screened to avoid being visible from the street or sidewalk.
- C. Beekeeping equipment shall not be allowed on lots with two or more dwelling units unless the village approves an exemption. An exemption may only be granted where unique circumstances exist in which the keeping of bees is otherwise consistent with both the purpose and requirements of this ordinance and will not interfere with any person's use or enjoyment of the property that person occupies. An exemption may be granted with special conditions and requirements to ensure beekeeping is consistent with the purpose and requirements of this ordinance.
- D. Non-honeybees do not qualify for a permit and are not permitted to be kept within the village.
- E. Beekeeping equipment shall not be located closer than fifteen (15) feet from any of the following: 1. Property line; 2. Public trail.

**6.2.5 Standards of practice.**

Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

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- A. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. A hive shall not exceed 15 cubic feet in size.
- B. Each beekeeper shall ensure that a sufficient and convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.
- C. Each beekeeper shall ensure that no wax comb or other materials that might encourage robbing by other bees are left upon the grounds of the apiary lot. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure.
- D. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9-5/8) inch depth ten-frame hive body with no supers attached as required from time to time for management of swarms. 1. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date is acquired.
- E. Each beekeeper shall maintain beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms.
- F. In apiaries the beekeeper shall conspicuously post a sign including the words "HONEYBEE HIVE" and his/her name and telephone number clearly readable at twenty-five (25) feet
- G. Village of Fall Creek staff shall have the right to inspect any permitted beekeeping equipment between 7:30 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper.
- H. No permitted person is to keep more than the following numbers of colonies on any lot within the Village, based upon the size or configuration of the apiary lot:
  - (1) One-half (1/2) acre lot: Two (2) colonies with an allowance for a temporary additional nucleus colony.
  - (2) Three-quarter (3/4) acre lot: Four (4) colonies.
  - (3) One (1) acre lot: Six (6) colonies.
  - (4) Two (2) acre lot: Eight (8) colonies.
- I. If the beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he/she temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired. A beekeeper engaging in such a practice shall only qualify for this subsection's exemption if the beekeeper provides the village written notification no later than seventy-two (72) hours of engaging in such an action.

- J. In any instance in which a hive exhibits unusually aggressive characteristics, the beekeeper shall destroy or re-queen the hive. Queen shall be selected from stock bred for gentleness and non-swarming characteristics. Unusual aggressiveness shall be determined by the public works director or her or his designee.

**6.2.6 Fencing of flyways.**

A flyway barrier six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive and shall have all the following characteristics:

- A. Consist of a wall, fence, dense vegetation or a combination thereof that is parallel to and three (3) feet to the property line.
- B. Extends a minimum length of twenty (20) feet so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.
- C. Exemptions to the requirement of the construction of a flyway barrier are allowed if any of the following occur:
  - (1) A flyway barrier is not required if all 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 located within twenty-five (25) feet of the apiary lot line.
  - (2) The Village Administrator may approve a shorter flyway barrier if necessary to comply with zoning or other land use restrictions where a shorter flyway barrier will not increase the likelihood of public or private nuisance.

**6.2.7 Inspection and enforcement.**

- A. The public works director or his/her designee, and the police department may issue compliance orders and citations pursuant to the provisions of this chapter, and state law.
- B. Violations of this chapter may constitute a public nuisance under Chapter §184 of this Code, or under Wis. Stat. Ch. 823. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance by the village or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States, or the village.

**6.2.8 Violation and penalty.**

Each day such violation continues shall constitute a separate offense.

