

Title 6

ANIMALS

Chapters:

- 6.01 Treatment of Animals**
- 6.03 Keeping of Certain Animals and Plants**
- 6.06 Pigeons**
- 6.08 Dogs, Cats and Other Domesticated Animals**
- 6.10 Snakes**
- 6.12 Feeding of Nondomestic Animals Restricted**
- 6.14 Keeping of Honeybees**

(Repealed Chapter 6.04 “Animals and Fowl” and replaced with Chapters 6.01 & 6.03, Ord 8B-16)

Chapter 6.01

TREATMENT OF ANIMALS

Sections:

6.01.010	Scope
6.01.020	State Law Adopted
6.01.030	Definitions
6.01.040	Care of Animals
6.01.050	Animals Prohibited in Food Establishments
6.01.100	Violation

6.01.010 Scope

The scope of this chapter shall include all domestic and non-domestic animals in the City of Altoona unless otherwise specifically addressed elsewhere in City of Altoona Code of Ordinances, State of Wisconsin or Federal law. The purpose is to promote the public health, safety and general welfare of the citizens of and visitors to the City of Altoona, to ensure the humane and harmonious keeping of domestic animals, and ethical treatment of non-domestic animals.

6.01.020 State Law Adopted

The provisions of Wisconsin Statutes Chapter 174 “Dogs” and Chapter 951 “Crimes Against Animals” are adopted and made part of this chapter by reference.

6.01.030 Definitions

In this chapter the following words shall have the meaning defined below, unless it is apparent from the context that different meanings are intended.

“Animal” means every living reptile; amphibian; and warm-blooded creatures, except human.

“Collar” means a band of material securely around the neck of an animal, without causing undue pain or suffering, to allow it to be harnessed or connected to a leash or lead.

“Cruel” means causing unnecessary pain or suffering or unjustifiable injury or death.

“Domestic animal” means dogs, cats, ferrets, gerbils, hamsters and domesticated rabbits; reptiles, amphibians and birds born in captivity and customarily kept as pets.

“Harness” means a device securely around the body of an animal, without causing undue pain or suffering, to allow it to be harnessed or connected to a leash or lead.

“Leash or Lead” means a strap or cord for restraining and guiding an animal.

“Owner” includes any person or firm who has legal possession of an animal.

“Veterinarian” means the meaning designated under Wisconsin Statutes Section 453.02(7).

6.01.040 Care of Animals

A. Cruelty. No person may treat any animal, whether belonging to such person or another person, in a cruel manner. This section does not prohibit actions considered normal and accepted veterinary practices conducted by a licensed veterinary professional.

B. Use of Poisonous and Controlled Substances. No person may expose any animal to known poisonous substance listed in Wisconsin Statutes, Section 161.14, whether mixed with food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. Incidental application of controlled or poisonous substance, such as but not limited to application of the substance on one's property, thus harming animals is also prohibited. This section shall not apply to poison used on one's own premises for the specific and targeted purpose of rodent or pest extermination applied according to the product label, nor to the use of controlled substance in normal and accepted veterinary practices conducted by a licensed veterinary professional.

C. Feed, Shelter, Treatment. Consistant with Wisconsin Statues Section 951.14 each owner, firm or person in charge of an animal shall provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, including but not limited to extreme heat or cold, veterinary care when needed to prevent suffering, and shall provide humane care and treatment.

D. Sanitary Conditions. All structures, pens, buildings, or yards wherein animals permitted by this ordinance are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the building inspector or code official shall direct. (Prior Code § 6.04.010)

E. Instigating Fights Between Animals. No person may instigate, promote, aid or abet as a principal, agent, employee or spectator, or participate in the earning from, intentionally maintain or allow any place to be used for any fight between animals, between animal and person, or animal and any other device. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

F. No person or firm shall intentionally abandon any animal. (Ord 7B-17).

G. No person may take the animal belonging to another person or firm from one place to another without the owner's consent or cause such an animal to be confined or transported for any purpose without the owner's consent. This section does not apply to law enforcement officers engaged in the exercise of their official duties.

H. Animal excrement shall be promptly removed from public property, including sidewalk, boulevards and parks, or the property of another person when walking or loose. The owner or person walking an animal on property other than his or her own shall remove any excrement immediately after it is deposited by such animal and dispose of it in a public waste container or a waste container on the animal owners property. The owner is required to carry a scoop, bag or other item to assist in carrying the excrement to his or her property for disposal.

6.01.050 Animals Prohibited in Food Establishments

No person shall take or permit any dog, cat or other animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. Dogs which are specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons are exempt from this subsection when they are in fact being used by blind, deaf or mobility-impaired persons. (Ord. 8B-88 (part), 1988; prior code § 6.04.020)

6.01.100 Violation

Any person who violates any of the provisions of this chapter shall be subject to a penalty as provided in Chapter 1.08 of this code. A separate offense shall be deemed committed on each day on which a violaoation of any provision of this chapter occurs or continues. (part, Ord 8B-16, 2016)

Chapter 6.03

KEEPING OF CERTAIN ANIMALS AND PLANTS

Sections:

6.03.010	Prohibited Animals
6.03.020	Prohibited Plants
6.03.100	Violation

6.03.010 Prohibited Animals

A. No person or firm shall keep, feed, or breed any fur bearing animal, game animal, or game bird as defined in Wisconsin State Statutes § 29.001(30), (36) and (39).

B. No person or firm shall keep, feed, or breed any member of the feline family, other than domestic cats.

C. No person or firm shall keep, feed, or breed any member of the canidae family, other than domestic dogs.

D. No person or firm shall keep, feed, or breed any domestic fowl, including but not limited to: chickens, ducks, and geese. Pigeons are exempt from this provision.

E. No person or firm shall keep, feed, or breed any animal customarily associated with commercial or hobby agriculture, including but not limited to: cows, swine, sheep, goats, lamas, and horses. Pot bellied pigs are exempt from this provision.

F. No person or firm shall keep, feed or breed any non-human member of the primate family.

G. This section shall not apply to domestic rabbits, defined as those rabbits that are normally born and raised in captivity.

H. Certified guide, assistance, or therapy animals shall be exempt from this provision.

I. No person or firm shall keep or transport any plant or animal defined as threatened or endangered by Wisconsin State Statutes § 29.604, Wisconsin NR 10.02, or United States Fish and Wildlife Service. This provision shall not apply to the specific context of creating or possessing property conditions that support native species considered threatened or endangered, such as cultivating a native prairie or butterfly garden, or under possession of appropriate license or permit to possess said plant or animal.

6.03.020 Prohibited Plants

A. No person shall possess, transport, sell, propagate, or cause to be planted terrestrial or aquatic plant species known to be invasive, as defined by the Wisconsin NR 40.

B. No person or firm shall interfere or impede public or private efforts to control or contain invasive species.

6.03.100 Violation

Any person who violates any of the provisions of this chapter shall be subject to a penalty as provided in Chapter 1.08 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. (part Ord 8B-16, 2016)

Chapter 6.06

PIGEONS

Sections:

6.06.010	Definitions.
6.06.020	Conditional use.
6.06.030	Minimum Conditions for keeping and maintaining.
6.06.040	Violation-Penalty

6.06.010 Definitions.

The following definitions shall apply only in the interpretation and enforcement of this chapter.

- A. "Loft" includes any and all quarters in which pigeons are housed.
- B. "Pigeon" includes any and all varieties and breeds of pigeons.
- C. This chapter shall apply to the keeping and harboring of pigeons for any purpose within the corporate limits of the City of Altoona.

6.06.020 Conditional use.

- A. Pigeon Lofts shall be approved only as a conditional use in the R-1 District.
- B. Pigeon Lofts are prohibited in all other Districts.

6.06.030 Minimum Conditions for keeping and maintaining.

It is a violation of this chapter for any person, firm or corporation to harbor, keep or maintain pigeons upon other than the following minimum conditions.

- A. No loft for keeping or confining pigeons shall be maintained or operated in any manner which violates city building code or zoning ordinance, including but not limited to Section 15.04.120.
- B. All premises on which pigeons are kept and maintained shall at all times be kept clean and free from filth, garbage and such substances which attract rodents.
- C. All pigeons shall be fed within the confines of the loft in which pigeons are housed.
- D. All grains and food stored for the use of pigeons shall be stored indoors and shall be kept in rodent-proof containers.
- E. Pigeons shall be exercised and permitted to fly only when under control of the permittee or a representative of the permittee.
- F. All aviaries shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft or coop.
- G. The loft floor area shall not exceed one hundred square feet.
- H. The exterior appearance and finish of the loft to house pigeons shall be defined in the conditional use permit.
- I. Any loft housing pigeons shall be elevated a minimum of six inches and maximum of twelve inches above grade to insure free-way beneath the loft. The loft shall rest upon concrete footings or piers having a minimum depth of three (3) feet. Any loft built expressly to house pigeons shall have a maximum height of nine feet.
- J. The property upon which pigeons are kept shall have established a principal use conforming to the zoning ordinance.

6.06.040 Violation—Penalty.

Any person who violates any of the provisions of this chapter shall forfeit a penalty not exceeding twenty-five dollars and the costs of prosecution for each and every offense, and in default of payment thereof, shall be committed to the county jail of Eau Claire County until such forfeiture and costs are paid, not exceeding ten days, unless said forfeiture and costs and expenses of prosecution are sooner paid. (Ord. 4A-04, 2004).

Chapter 6.08

DOGS, CATS AND OTHER DOMESTICATED ANIMALS

Sections:

6.08.010	License—Required—Fee.
6.08.020	License—Tag issued when—Removal prohibited.
6.08.030	Care requirements generally—Disturbing the peace prohibited.
6.08.035	Animal excreta.
6.08.040	Vicious or rabid animal—Impoundment—Observation—Destruction when.
6.08.050	Vicious or rabid animal—Court proceeding required when—Liability for costs.
6.08.060	Vicious or rabid animal—Harboring prohibited.
6.08.070	Running at large prohibited—Leash required.
6.08.075	Number of dogs and cats allowed per household or place of business.
6.08.080	Multiple dog license required when.
6.08.090	Violation—Penalty.

6.08.010 License—Required—Fee.

A. No person shall own, harbor or keep a dog over the age of five months within the corporate limits of the city without obtaining and renewing each year a license therefore from the city clerk, in compliance with Wisconsin Statutes Sections 174.05 through 174.10. The license year shall commence on January 1st and shall end on the following December 31st. Licenses shall not be transferable, and license fee shall not be prorated or refundable. Application for such license shall be made before April 1st of the current license year, or within thirty days of acquiring a licensable dog. A valid rabies certificate shall accompany the application, stating the name of the veterinarian who administered the inoculation, the date it was given, and the length of time during which such inoculation will be effective, which shall be at least as long as the license period. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive, annually, a free dog license from the appropriate city officer.

B. The city clerk shall charge the fees for licenses under this section as established by Wisconsin Statute Section 174.05 and as modified by the Eau Claire County Board pursuant to Eau Claire County Code 4.30.110, plus an additional handling fee established by resolution of the common council each year. Written proof of neutering or spaying shall also accompany the application in order to qualify for the neutered or spayed rate. (Ord 12A-09, 2009, Ord. 4A-97, 1997; Ord. 6C-93, 1993; Ord. 11E-89, 1989; Ord. 8B-88 (part), 1988; Ord. A-117 § 1(1), 1976)

6.08.020 License—Tag issued when—Removal prohibited.

Upon receipt of the rabies certificate and payment of said fee the city clerk shall issue a tag that shall be attached to the collar of such licensed dog. No person other than the owner or a police officer in line of his duty shall remove said license tag from the dog. (Ord. A-117 § 1(2), 1976)

6.08.030 Care requirements generally—Disturbing the peace prohibited.

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. (Ord. A-117 § 1(3), 1976)

6.08.035 Animal excreta.

The person charged with the care or control of any animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal upon any public or private property. (Ord. 8B-88 (part), 1988)

6.08.040 Vicious or rabid animal—Impoundment—Observation—Destruction when.

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. 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 health department for a period of ten days under the observation of a licensed veterinarian unless, in the opinion of the health department, 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 health department. 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 ten days. After such period of time, such veterinarian shall report in writing thereon to the health department. Under this section display of a license tag as required by this chapter shall be deemed to be suitable evidence of rabies inoculation in determining whether or not impoundment is required. 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 city authorities or agents in carrying out their duties in this regard. 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. (Ord. A-117 § 1(4) (part), 1976)

6.08.050 Vicious or rabid animal—Court proceeding required when—Liability for costs.

If the owner of any dog, cat or domesticated animal shall deny that his animal is mad, vicious or dangerous to the public or shall deny that his animal has bitten any person, the police officer may summon the animal owner into court and if the court shall decide that the animal is vicious or dangerous to the public or shall have bitten any person, the animal may be confined as provided in this subsection, and the costs of the investigation shall be taxed against the owner. (Ord. A-117 § 1(4) (part), 1976)

6.08.060 Vicious or rabid animal—Harboring prohibited.

No person shall keep or harbor any dog, cat or domesticated animal, whether licensed or not, which shall be known to be, or when there is good reason to believe the same to be mad, rabid, vicious or dangerous to the public. (Ord. A-117 § 1(4) (part), 1976)

6.08.070 Running at large prohibited—Leash required.

No person shall permit any dog, cat or domesticated animal to run at large within the city, and no dog, cat or domesticated animal shall be permitted on the public sidewalks or streets of the city unless controlled by a leash which shall not be more than six feet long. (Ord. A-117 § 1(5), 1976)

6.08.075 Number of dogs and cats allowed per household or place of business.

No individuals living together in one household, nor any business shall keep more than two dogs and three cats over the age of five months at any household or place of business at one time. Bona fide animal hospitals, pet shops and kennels are exempt from this requirement. The police chief or his/her designee may grant a variance to the provisions of this ordinance by allowing additional dogs or cats where it is determined no nuisance will be created. A household or place of business can request such a variance by submitting an application for pet variance to city hall. The fee to apply for the above referenced variance shall be as stated in the City of Altoona Schedule of Fees and Licenses. Upon receipt of a written application and application fee seeking such an exception, the police department shall conduct an investigation regarding whether a nuisance will be created. The police department shall maintain sole discretion to make the determination regarding the issue of a nuisance. A variance shall

only be valid for those pets listed on the pet variance application. Pet variance applications are valid for a five year period after which the pet variance has to be reapplied for. The police chief can revoked a pet variance at anytime with a documented nuisance created by the pet variance.

If any household or place of business as specified above has been granted a variance by the police chief at the time this ordinance is adopted, those household's or place of business's will have the initial application fee waived, however, will be required to submit an application and will be required to pay the fee if reapplying following the expiration of the initial pet variance. (Ord 8E-20, 2020.)

If any household or place of business as specified above has more than two licensed dogs or three cats at the time this ordinance is adopted, those animals shall be exempt from the quota requirement of this ordinance; unlicensed dogs, however, shall not receive such an exemption. Additional dogs shall not be licensed to such households or places of business until such time as there is only one dog remaining in such household or place of business. (Ord 3I-08, 2008)

6.08.080 Multiple dog license required when.

Any person who keeps more than one dog may, instead of the license tax for each dog required by this chapter, apply to the collecting official for a multiple dog license for the keeping of the dogs.

The price of such multiple dog license shall be the fee as established by Wisconsin Statutes Section 174.053 and as modified by the Eau Claire County Board pursuant to Eau Claire County Code 4.30.110, plus an additional handling fee established by resolution of the common council each year. (Ord. 12A-09, 2009, 12C-07, 2007, Ord. 4B-97, 1997: Ord. A-117 § 1(6), 1976)

6.08.090 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be subject to the penalties provided for in Chapter 1.08 of this code. (Ord. 11B-91 (part), 1991: Ord. A-117 § 1(7), 1976)

Chapter 6.10

SNAKES

Sections:

6.10.010 Snakes.

6.10.010 Snakes.

A. For purposes of this chapter, “poisonous” means having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.

B. No person shall keep or possess any snake in the city, which is poisonous or in excess of ten feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the chief of police in writing of the location and type of snake being kept and the purpose of such possession. (Ord. 1A-99, 1999)

Chapter 6.12

FEEDING OF NONDOMESTIC ANIMALS RESTRICTED

Sections:

6.12.010 **Feeding of nondomestic animals restricted.**

6.12.020 **Violation—Penalty.**

6.12.010 **Feeding of nondomestic animals restricted.**

No person shall feed any nondomestic animals on any public or private property or public right-of-way when the placement of feed, bait or other edible substances cause deer to congregate or be drawn into an area except as regulated by Wisconsin Statutes and Wisconsin Department of Natural Resources Hunting Regulations pertaining to baiting during or prior to archery and cross bow hunting seasons. (Ord 8C-14, 2014), Ord. 9A-06, 2006), Ord. 4A-06 (part), 2006; Ord. 9C-04 (part), 2004; Ord. 1B-99 (part), 1999)

6.12.020 **Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be subject to the penalties provided in Chapter 1.08 of this code. (Ord. 1B-99 (part), 1999)

Chapter 6.14

KEEPING OF HONEYBEES

Sections:

6.14.010	Purpose.
6.14.020	Definitions.
6.14.030	Permit and Fee Required.
6.14.040	Conditions and Exemptions for Keeping and Maintaining Hives.
6.14.050	Standards of Practice.
6.14.060	Fencing of Flyways.
6.14.070	Inspection and Enforcement.
6.14.080	Violation and Penalty.

6.14.010 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. (Ord 4B-15, 2015).

6.14.020 Definitions.

For the purposes 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 honey bees 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.

I. "Health Department" shall mean the Eau Claire City-County Health Department.

6.14.030 Permit and Fees Required.

A. Persons that keep bees within the limits of the city must first obtain a permit. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honey bees on or in any property in the City of Altoona without a permit.

B. Applications for a permit to keep or maintain bees will be made on such forms as provided by the City.

C. A permit fee for the 2015-2016 licensing year shall be \$30 and then as established in Addendum "A" of Chapter 3.08: Fees. Applicants shall also pay any and all applicable inspection fees including, but not limited to, health department inspection 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 permitted property.

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 either of the following is true:

i. The applicant provides approval from seventy (70) percent of the occupants of real estate situated within two hundred fifty (250) feet of the beekeeping equipment; or

ii. The applicant demonstrates that the beekeeping equipment is greater than two hundred fifty (250) feet away from any property line.

G. New permits may only be granted subject to the successful completion of a Building Inspector pre-inspection. Permit renewals may only be granted subject to the successful completion of at least one annual inspection by a State Apiary Inspector or a member of a local beekeeping organization approved by the City. Renewal applicants shall provide written documentation evidencing inspection(s).

6.14.040 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 health department, Building Inspector, or City Police Department. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the health department 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 City of Altoona.

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. Beekeeping equipment may also be permitted on a roof provided such equipment is screened from view and is determined by the Building Inspector to otherwise meet the setback and other requirements of this chapter.

C. Beekeeping equipment shall not be allowed on lots with two or more dwelling units unless the health department 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 City of Altoona.

E. Beekeeping equipment shall not be located closer than fifteen (15) feet from any of the following:

1. Property line;

2. Public trail.

6.14.050 Standards of Practice.

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

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. 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.

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. A copy of the permit shall be placed in a conspicuous place on the hive.

G. City of Altoona 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 person is permitted to keep more than two (2) colonies per one-half (1/2) acre up to a maximum of 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 City of Altoona written notification no later than seventy-two (72) hours of engaging in such an action.

6.14.060 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 health department may provide a flyway barrier exemption if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

3. The health department 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.

6.14.070 Inspection and Enforcement.

A. The health department, the city building inspector or their designee, and the police department may issue compliance orders and citations pursuant to the provisions of this chapter, city code, and state law.

B. Violations of this chapter may constitute a public nuisance under Chapter 8.24 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 City of Altoona or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States, or the City of Altoona Municipal Code. This chapter shall also not be construed as otherwise limiting, in any way, any other action the City of Altoona is permitted to bring under the City of Altoona Municipal Code or the laws of the State of Wisconsin.

6.14.080 Violation and Penalty.

Any person who violates this chapter shall, for each violation, incur a penalty as provided in Chapter 1.08. Each day such violation continues shall constitute a separate offense. (Ord 1C-20, (part), 2020.)