



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Health

Wednesday, December 11, 2019

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[19-1826](#) November BOH Minutes

Attachments: [November 2019 BOH Minutes.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[19-1828](#) Noise Variance Request - Fox River House 2020

Attachments: [Noise Variance Request - Fox River House 2020.pdf](#)

[19-1708](#) Resolution #15-R-19 Youth Mental Health

Attachments: [#15-R-19 Youth Mental Health.pdf](#)

[Psychiatric News Article 091919.pdf](#)

[Jessica Anderson Email 10312019.pdf](#)

[Jessica Anderson Questions 11202019.pdf](#)

[WCASA Letter 11252019.pdf](#)

[Mark & Jane Issac Email 11272019.pdf](#)

Legislative History

11/13/19 Board of Health presented
sally arrived at 7:26am

[19-1184](#) Resolution #10-R-19 Beekeeping Permit Process Change

Attachments: [#10-R-19 Beekeeping Permit Process Changes.pdf](#)

[Current - Residential Bee Keeping Permit Requirements.pdf](#)

[Proposed - Residential Apiary Permit Requirements .pdf](#)

[Current - Residential Apiary Permit Application .pdf](#)

[Proposed - Residential Apiary Permit Application .pdf](#)

Legislative History

8/14/19 Board of Health presented
11/13/19 Board of Health held

[19-1454](#) Request to Clarify Bee Keeping Appeal Process

Attachments: [Beekeeping Permit Appeal Process Memo -updated 10.2.19.pdf](#)
[Commerical Bee Keeping Permit Requirements.pdf](#)
[Residential Bee Keeping Permit Requirements.pdf](#)

Legislative History

11/13/19 Board of Health held

6. Information Items

[19-1827](#) October Monthly Report

Attachments: [October 2019 Monthly Report.pdf](#)

16-1394 The Board of Health may go in to closed session pursuant to Wis. Stat. Sec. 19.85(1)(f) .

16-1395 The Board of Health will then reconvene into an open session and conduct further business.

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final Board of Health

Wednesday, November 13, 2019

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

Sally Mielke arrived at 7:26am

Present: 5 - Spears, Nelson, Mielke, Hanna and Fenton

Excused: 1 - Vogel

3. Approval of minutes from previous meeting

[19-1461](#)

September BOH Minutes

Attachments: [September 2019 BOH Minutes.pdf](#)

Nelson moved, seconded by Spears, that the minutes be approved. Motion carried by the following vote:

Aye: 4 - Spears, Nelson, Hanna and Fenton

Excused: 1 - Vogel

Absent: 1 - Mielke

4. **Public Hearings/Appearances**

5. **Action Items**

[19-1184](#)

Resolution #10-R-19 Beekeeping Permit Process Change

Attachments: [#10-R-19 Beekeeping Permit Process Changes.pdf](#)

[Current - Residential Bee Keeping Permit Requirements.pdf](#)

[Proposed - Residential Apiary Permit Requirements .pdf](#)

[Current - Residential Apiary Permit Application .pdf](#)

[Proposed - Residential Apiary Permit Application .pdf](#)

This Report Action Item was held.

[19-1454](#)

Request to Clarify Bee Keeping Appeal Process

Attachments: [Beekeeping Permit Appeal Process Memo -updated 10.2.19.pdf](#)
[Commerical Bee Keeping Permit Requirements.pdf](#)
[Residential Bee Keeping Permit Requirements.pdf](#)

This Report Action Item was held.

[19-1308](#)

Weights & Measures and Environmental Fee Proposals

Attachments: [Fee Proposals 2019.pdf](#)

Spears moved, seconded by Fenton, that the Report Action Item be recommended for approval. Motion carried by the following vote:

Aye: 4 - Spears, Nelson, Hanna and Fenton

Excused: 1 - Vogel

Absent: 1 - Mielke

6. Information Items

[19-1437](#)

July Monthly Report

Attachments: [July 2019 Monthly Report .pdf](#)

This item was presented.

[19-1695](#)

August Monthly Report

Attachments: [August 2019 Monthly Report .pdf](#)

This item was presented.

[19-1696](#)

Third Quarter 2019 Report

Attachments: [Third Quarter 2019 Report.pdf](#)
[Third Quarter 2019 Executive Summary.pdf](#)

This item was presented.

[19-1697](#)

Third Quarter 2019 Budget Performance Review

Attachments: [Department Budget Review Third Quarter 2019.pdf](#)
[Summary Budget Review Third Quarter 2019.pdf](#)

This item was presented.

[19-1702](#)

Racism is a Public Health Crisis Sign-on

Attachments: [Racism is a Public Health Crisis Sign-on.pdf](#)

This item was presented.

[19-1708](#)

Resolution #15-R-19 Youth Mental Health

Attachments: [#15-R-19 Youth Mental Health.pdf](#)
[Jessica Anderson Email.pdf](#)
[Psychiatric News Article 091919.pdf](#)

sally arrived at 7:26am

This item was presented.

Present: 5 - Spears, Nelson, Mielke, Hanna and Fenton

Excused: 1 - Vogel

[19-1438](#)

2020 Health Budget Update

This item was presented.

[19-1176](#)

Update on Vaping-Related Issues

Attachments: [CDC Characteristics of a Multistate Outbreak of Lung Injury 9.27.19.pdf](#)
[CDC Illinois and Wisconsin E cigarette Product Use Lung Injury 9.27.19.pdf](#)

This item was presented.

[19-1177](#)

Variance Approvals

Attachments: [Noise Variance Requests 9.11.19.pdf](#)
[Noise Variance Requests 10.9.19.pdf](#)

This item was presented.

[18-0162](#)

Other Business

16-1394

The Board of Health may go in to closed session pursuant to Wis. Stat. Sec. 19.85(1)(f) .

16-1395

The Board of Health will then reconvene into an open session and conduct further business.

7. Adjournment

Nelson moved, seconded by Spears, that the meeting be adjourned. Motion carried by the following vote:

Aye: 5 - Spears, Nelson, Mielke, Hanna and Fenton

Excused: 1 - Vogel

From: Fox River House [mailto:foxriverhouse@gmail.com]
Sent: Thursday, November 21, 2019 3:48 PM
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>
Subject: Variance to noise ordinance request

Kurt,

This email serves as a request for a variance to Appleton's noise ordinance for Fox River House, 211 South Walnut Street, Appleton, Wisconsin.

For the purposes of playing live music on our back patio in the summer months, we request a variance to Appleton's noise ordinance for the following times:

May 29, 2020 through September 27, 2020

Fridays 7:00pm to 10:00pm

Saturdays 4:00pm to 8:00pm **or** 6:00pm to 9:00pm (most will be 4pm to 8pm; no more than 3 will be 6:00pm to 9:00pm)

Contacts during these times will be:

Facebook message Fox River House

Or

Steve Olson (co-owner)
920.450.7619

Tim Ceman (co-owner)
920.205.0515

Thanks,
Steve Olson

Resolution #15-R-19
Youth Mental Health Protection

Date: October 16, 2019

Submitted By: Alderperson Meltzer – District 2, Alderperson Firkus – District 3, Alderperson VanZeeland – District 5

Referred To: Board of Health

Whereas, Conversion therapy, also known as reparative therapy, is the practice of trying to change a person’s sexual orientation or gender identity; and

Whereas, Science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness; and

Whereas, The practice of conversion therapy is based on scientifically unfounded approaches not subject to peer review and is often conducted in a violent and damaging manner; and

Whereas, The American Psychological Association issued a report in 2009 that concluded that conversion therapy can pose critical health risks to lesbian, gay, and bisexual people including depression, suicidality, substance abuse, stress, and disconnection with family and friends; and

Whereas, the [American Academy of Pediatrics](#) revealed alarming levels of attempted suicide among transgender youth because of society’s oppression and lack of acceptance; and

Whereas, the American Academy of Pediatrics emphasize the urgency of building welcoming and safe communities for LGBTQ young people, particularly for transgender youth; and

Whereas, Several states and municipalities have banned the practice; and

Whereas, A bill to ban conversion therapy was introduced at the federal level, which stalled in U.S. Congress in 2016; and

Whereas, The Therapeutic Fraud Prevention Act, which is based in consumer fraud and focuses on banning any conversion therapy that charges money, was filed in the U.S. Senate in April 2017;

Now, Therefore, let it be resolved that the City of Appleton seeks to protect LGBTQ youth by adopting a Youth Mental Health Protection ordinance which prohibits any licensed medical or mental health professional from engaging in conversion therapy with any person under 18 years of age;

Furthermore, “Conversion therapy” will be defined as any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-

orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity;

Furthermore, "medical or mental health professional" means any individual who is licensed by the City or State to engage in a profession related to physical or mental health, including any interns, trainees, or apprentices who provide medical or mental health services under the supervision of a licensed medical or mental health professional;

Furthermore, anyone found in violation to the ban will be subject to a forfeiture of \$1000, each day a person is found to have practiced conversion therapy shall be considered a separate violation.

‘Conversion Therapy’ Misleads, Harms Patients

LINDA M. RICHMOND

Published Online: 19 Sep 2019 <https://doi.org/10.1176/appi.pn.2019.9b9>

Evidence does not back the efficacy of “conversion therapy” programs, and they can lead to patient depression or even suicide. New state laws are attempting to stamp out these programs, at least for minors. This article is part of a series written in conjunction with APA’s Council on Advocacy and Government Relations.

A 13-year-old student from South Carolina described being pressured into going to a religious-based “conversion therapy” camp by his parents and his church after struggling with his gender identity. There he was shamed and told how awful and sinful were his actions, thoughts, and desires. Some of his peers were given electric shocks while being shown pornographic images depicting same-sex couples. The patient now identifies as a transgender man and is considering transitioning, although he still has negative flashbacks of his treatment.



Apps and websites have helped gay conversion therapy to proliferate by targeting ads at LGBTQ individuals, says Jacques Ambrose, M.D.

Unfortunately, this patient’s experiences are not unusual at faith-based “conversion therapy” programs, which are typically led by unlicensed counselors, explained Jacques Ambrose, M.D., a child and adolescent psychiatrist at Massachusetts General Hospital/Harvard Medical School.

Conversion therapy is an intervention aimed at changing an individual’s sexual orientation or behavior, also known as sexual orientation change efforts (SOCE). The term gender identity change efforts (GICE) has recently arisen from the same thought process and targets individuals with nonbinary or nontraditional gender identity. Both are based on the harmful and incorrect assumptions that homosexuality and transgenderism are mental disorders—or are sinful—and that the patients can and must change these behaviors.

“In the 1980s and 1990s, the general belief in our profession was that there was no harm in trying talk therapy to help patients who wanted to change their sexual orientation,” explained Jack Drescher, M.D. Among other positions, he is a clinical professor of psychiatry at Columbia University and a member of the World Health Organization’s Working Group on the Classification of Sexual Disorders and Sexual Health revising ICD-11, and he served on the *DSM-5* Work Group on Sexual and Gender Identity Disorders. “However, evidence has shown that not only do such change efforts fail, but they can also lead to depression, guilt and shame, substance use disorders, failed heterosexual marriages, and suicide.”



Many so-called conversion therapy practitioners are not covered by state laws banning the therapy, says Jack Drescher, M.D.

“When people enter these treatments, they are told that their success depends on them and their faith,” Drescher explained. “It means that the failure of the treatment is laid at their feet. It’s not that the therapy didn’t work or that God didn’t want it to work or that the therapist is unqualified. It’s the patients’ fault. So patients end up feeling worse than when they started, and on top of that, they still have sexual feelings that they don’t want to have.”

Ambrose said aversive conditioning is sometimes used in conversion therapy, such as restraint and electroshock, deprivation of food and liquids, smelling salts, and chemically induced nausea; masturbation reconditioning; and systematic desensitization.

“They essentially torture people after exposing them to certain stimuli,” he said. “Patients who have been exposed to these therapies often report significant symptoms of trauma. These SOCE/GICE practices have no evidence of efficacy, can actually hurt people, and further stigmatize legitimate mental health care for this vulnerable population.”

Some 11 million adults identify as LGBT individuals in the United States, and nearly 700,000 of them are estimated to have received treatment to change their sexual orientation or identity, according to data from the UCLA Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy. Two-thirds of LGBTQ youth reported that someone tried to convince them to change their sexual orientation or gender identity, according to a survey report in 2019 by the Trevor Project. Youth who have undergone conversion therapy were more than twice as likely to attempt suicide as those who did not, the report noted.

Technology Fuels Spread of Therapy

The proliferation of digital technology, such as apps and websites, have enabled targeted discriminations toward LGBTQ individuals. For instance, Facebook came under fire last year when LGBTQ users complained that their feeds were inundated with offers for for-profit conversion therapy programs. Similarly, Google recently reported its removal of conversion therapy ads in its searches. Amazon announced in July it would stop selling books by the late Joseph Nicolosi, the so-called “father of reparative therapy,” author of books such as *A Parent’s Guide to Preventing Homosexuality*.

Nonetheless, digital technology has also empowered community building and political activism within the LGBTQ communities and serves as an outlet of self-empowerment for affected LGBTQ individuals: they have been able to share their conversion therapy survival stories on YouTube and find their communities on Reddit/Tumblr.

“As technology becomes more integrated with our daily lives, clinicians and medical organizations should be mindful of technological resources and their pitfalls in order to better support their LGBTQ patients,” Ambrose said.

State Laws Ban Therapy for Minors

Politically, the tide is turning against conversion therapy, at least in the United States. In 2012 California became the first state to ban conversion therapy for minors, and now a total of 18 states, plus the District of Columbia and Puerto Rico, ban the practice for minors. Many more states have introduced similar legislation. Twenty years ago, APA issued its first official position statement condemning reparative or conversion therapy, a position that has been refined and strengthened over the years. The American Psychological Association, American Medical Association, National Mental Health Association, and American Academy of Pediatrics are also among those that have spoken out against these misguided attempts to “cure” individuals who are LGBTQ.

Both Drescher and Ambrose said that APA’s support of its district branches and state associations is critical, along with educating psychiatrists about the harms of conversion therapy, to secure more widespread passage of these bans. A major shortcoming of these state laws is that they apply only to licensed therapists and only when the conversion therapy is aimed at minors.

“Its practitioners are usually nonlicensed and quite marginal, with a few exceptions,” Drescher said. “So the laws don’t apply to them.”

Another avenue for advocacy includes the passage of stronger consumer protection laws, Drescher said. In 2015, the New Jersey Superior Court ruled against a conversion therapy outfit known as JONAH (Jews Offering New Alternatives to Homosexuality), finding it liable for unconscionable business practices and violating the New Jersey Consumer Fraud Act. Defendants testified that during their treatments at JONAH, they

were blindfolded and pummeled with basketballs, bound with duct tape, rolled up into blankets, and subjected to anti-gay slurs.

In June, Rep. Ted Lieu (D-Calif.) introduced HR 3570, The Therapeutic Fraud Prevention Act of 2019, which would ban commercial conversion therapy on any person nationwide and curtail most forms of advertising for it. It has strong support from Democrats.

APA is backing a broader antidiscrimination bill, HR 5, the Equality Act, which would clarify the definition of gender-based discrimination under existing civil rights laws to include discrimination on the basis of sexual orientation and gender identity. It passed the House in May after several Republicans broke party ranks to vote for it, but the bill's route to passage in the Senate remains unclear. ■

<https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2019.9b9>

Email Address * jessica@jessicamenn.com
First Name: Jessica
Last Name: Anderson
Address: Not answered
City: Appleton
State: Wisconsin
Zip Code: 54915
Phone Number 9202433393
Fax Number: Not answered
Comments/Questions

Dear Mayor Hanna,

I am writing to express some of my concerns regarding the current wording of the Youth Mental Health Protection Resolution #15-R-19. My main concern is that it is overly broad and lacks clarity. On the one hand the resolution says that “The practice of conversion therapy...is *often* conducted in a violent and damaging manner” but then it goes on to ban *all* conversion therapy. It seems to me that it should just ban actually abusive practices.

Additionally, I find it problematic that this resolution covers conversion therapy for both homosexuality and transgenderism. The resolution appeals to science, but, while we have many decades of research into homosexuality, transgenderism is not as well understood or studied. At this point, there is research that indicates that, although some people may genuinely be transgender, many of the children who identify as transgender will, if left alone, grow up to be cis-gendered homosexuals. There is also concern that certain vulnerable girls may be susceptible to something that masquerades as transgenderism—that is to say that, as young children they display none of the tendencies typically associated with transgender people but when they get older they suddenly start identifying as transgender, possibly due to a combination of socialization and underlying, non-gender-identity related emotional or mental health concerns, and the transgenderism goes away given time and appropriate therapy.

As I read the proposed language of this resolution, it seems to me that neither children who think they are transgender but are really just homosexual nor straight children who go through a period of believing they are transgender will be served well by it.

I understand that the resolution goes on to say that conversion therapy “does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity” but even that carve out means that even basic, non-abusive talk therapy cannot seek to change an individual’s sexual orientation or gender identity which seems like it could easily be used to block even competent and legitimate therapists from providing appropriate care to their clients.

Additionally, I think it would be a good idea that in the section of the resolution that describes how conversion therapy shall not be defined, that you include a sentence that states that therapy which is not conversion therapy can be sought at the behest of a parent or legal guardian—that a child’s disinterest or dislike of any given therapy will not play a role in determining whether or not it is conversion therapy. I think this is an important addition because you can find multiple anecdotal stories of children who were absolutely convinced they were transgender but their parents were less convinced so had them go to therapy after which the child realized they really weren’t really transgender. You can also find multiple homosexuals saying, “Thank God transgenderism wasn’t a thing when I was a kid because I would have absolutely latched onto it and grown up to be a much less whole and contented adult.”

I asked Alderperson Metzler specifically to tell me how this resolution would effect children who are not transgender but go through a period of thinking they are transgender, and he has yet to respond to me. This suggests to me that this very real issue has not been considered during the drafting of this resolution.

Additionally, it concerns me that Alderperson Metzler clearly stated to me that he was not aware of anyone within Appleton even practicing conversion therapy. When I asked him about conversion therapists in the wider Fox Cities area and what specifically their therapy activities/practices look like, he did not reply.

So, there are no conversion therapists in Appleton, the Alderperson who is the driving force behind this resolution can't or won't describe what exactly conversion therapists in the greater Fox Cities area are doing, and the resolution as written could potentially cause difficulties in getting appropriate therapy for cis-gendered children (both homosexual and straight) who go through a period of thinking they are transgender, all of which leaves me seriously questioning the wisdom or necessity of passing this.

I applaud and support the goal of ending genuinely abusive practices, but this resolution seems overly broad and deeply flawed to the point that I believe it could harm some of the children it is intended to help.

While I understand the desire to make a bold statement, the community would be better served by a more nuanced and less sweeping resolution.

Thanks,

Jessica Anderson

On Nov 19, 2019, at 8:39 PM, Jessica Anderson <jessica@jessicamenn.com> wrote:

Dear Mr. Eggebrecht,

It was nice meeting you in the elevator on November 13 on the way up to the Board of Health meeting. At the meeting, Mayor Hanna mentioned passing questions on to staff. I don't know if that was only open to members of the committee or to the public as well. I have multiple follow-up questions regarding the proposed resolution and how it would be implemented, how area therapists and doctors would be affected, and how treatment options for cisgender children would be impacted, and I would very much appreciate receiving answers to them. I have already emailed Mayor Hanna and Alderpersons Spears and Fenton. I cannot find contact information on the Appleton website for Doug Nelson, Sally Mielke, or Lee Marie Vogel. I would appreciate it if you would pass this email on to them as well as to whatever staff members would be able to answer these questions.

(1) What are the metrics that would be used to determine if any given procedure, therapy, or intervention is "conversion therapy"?

(2) Who would be determining if something is "conversion therapy", and are there any professional or educational requirements that this person needs to meet in order to be qualified to make such determinations?

(3) How will this law affect the treatment options for cisgender children who go through a period of thinking they are transgender?

(4) Will this law apply to the treatment of children who do not explicitly state they are transgender? Who perhaps only wonder if they might be in the wrong body? Or who wish they were a different sex/gender? If it does apply to those situations, could you please explain what the process would look like for determining if a given therapy is illegal?

(5) This resolution would, obviously, allow a practitioner to be affirming of a child's belief that they are transgender. It would also allow them to remain neutral. Would it allow them to be disaffirming? If so to what extent?

(6) Is the Appleton Board of Health, or anybody in city government, aware of anyone within the city of Appleton practicing "conversion therapy"?

(7) Have the practices of conversion therapists in the greater Fox Cities area been researched? And can you describe what those practices are?

(8) Alderperson Metzler has stated that this resolution is narrowly tailored and does not apply to churches or pastors. Would it apply to stand-alone practices that offer Christian-based therapy for a fee?

(9) Some churches have licensed therapists who serve on staff or volunteer. Would those therapists be affected by this resolution? If they receive a salary from the church? If they receive donations? If the church is paid but not the therapist?

Overall, I'm dissatisfied by how unclear and open-ended this resolution reads. It seems like, were it to be

passed, the actual interpreting and implementing of it would be left up to some unelected city worker who could be very rigid in how they interpret it or very expansive, and the actual text of the resolution offers no checks or balances to a city official who chooses to be overly-broad in their execution of it. I would expect that sort of sloppy legislating from places like California and New Jersey, which are dysfunctional, over-regulated places, but I expect better from Appleton. I do hope that the Board of Health will not move forward with this resolution until it has been thoroughly researched and the board, the Common Council, and the public have a clear understanding of how it will be implemented and enforced and the impact that it will have on therapists and medical practitioners in the area and on the therapy options available to struggling cisgender children.

Thank you very much for your help,

Jessica Anderson



November 25, 2019

Kurt Eggebrecht
Director of Public Health
100 North Appleton Street
Appleton, WI 54911-4799

Dear Director Eggebrecht:

The Wisconsin Coalition Against Sexual Assault (WCASA) is pleased to support the local ordinance banning the practice of conversion therapy in the City of Appleton. Conversion therapy, sometimes referred to as “reparative therapy, consists of several harmful and discredited practices focused on changing an individual’s sexual orientation or gender identity. Practitioners of conversion therapy utilize an array of shaming, emotionally traumatic, or physical painful stimuli to force their victims to associate those stimuli with their LGBTQ identities. Studies estimate that over 700,000 LGBTQ people have been subjected to these harmful practices and that 80,000 LGBTQ youth will experience this conduct in the future, often due to well-intentioned but misguided parents or caretakers.

Conversion therapy is based on the false premise that a person’s identification as LGBTQ is the product of a mental illness that can be cured, despite the fact that all major medical associations have determined that LGBTQ identities are a completely normal and positive part of human nature. Furthermore, no credible scientific study has supported the claims of conversion therapists that they can change a person’s sexual orientation or gender identity. In fact, the American Psychoanalytic Association stated, “Psychoanalytic technique does not encompass purposeful attempts to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes.”

In addition to the lack of support for the claims for the efficacy of conversion therapy, there is ample evidence to support the contention that these practices are harmful. The American Psychiatric Association has determined that “the potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior,” and that therapists who utilize these practices align with societal prejudices that exacerbate shame and stigma many LGBTQ youth already experience. It is difficult to comprehend any practice more harmful to LGBTQ youth than attempts to change their sexual orientation or gender identity.

Over the past several years, 18 states and numerous municipalities have prohibited the practice of conversion therapy on youth. Furthermore, the Supreme Court of the United States has upheld or refused to hear challenges to the laws in several states, thus upholding rulings affirming the constitutionality of these laws. In Wisconsin, several municipalities have enacted ordinances prohibiting conversion therapy, and legislation is currently pending in the legislature which would do so on a statewide level.

Conversion therapy relies on many of the harmful stereotypes the anti-sexual violence movement challenges. In fact, gender socialization is one of the social norms WCASA has identified that contribute to sexual violence. Gender socialization is when people interpret social norms and internalize expectations about masculinity and femininity. This reinforces discrimination against LGBTQ people because they do not conform to traditional norms of masculinity and femininity. Furthermore, as discussed above, the impacts of conversion therapy on LGBTQ youth are similar to those who experience sexual violence, including shame, depression, and self-



destructive behavior.

WCASA has long supported the work of organizations like Diverse and Resilient, who is leading the efforts to enact this ordinance in Appleton. We are grateful for their leadership and expertise when advocating for this conversion therapy ban, and we hope the City of Appleton will join other municipalities in Wisconsin and across the nation in prohibiting these harmful practices. If you could please forward this correspondence to the City of Appleton Board of Health that would be greatly appreciated.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read 'Pennie Meyers', is written in a cursive style.

Pennie Meyers
Executive Director
Wisconsin Coalition Against Sexual Assault

From: Mark & Jane Isaac [<mailto:isaacmj7@gmail.com>]
Sent: Wednesday, November 27, 2019 12:07 PM
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>
Subject: Re: Appleton City Ban on Conversion Therapy

Hi Kurt,

Just to keep you in the loop, I have since received an email from one of the sponsors of the Appleton Conversion Therapy proposed ban. Please note that there have been over 100 members of area churches that will be opposing this ban. You are not alone in standing with us if you oppose this ban in it's current state. Thanks so much for hearing our concerns.

The sponsors response to me is below:

<<Sorry for the delay in getting back to you on this. As far as talk therapy and specifying what can or can't be practiced, we do draw a line in the resolution. We don't ban the topics of identity or orientation from being discussed in counselling. [Where we put the line down is when the therapist seeks to change their patient's orientation or identity.](#) The first "furthermore" paragraph in the resolution describes what is in and out of bounds in more detail.>>

My response back to the sponsor of the ban is below:

No problem with the delay. I know you are busy. I do realize you are one of the co-sponsors of the proposed ban and hope you know whatever the results of this, I still respect you as a person and just know that we have different "world views". I'm one of those that can separate politics and friendships. They are not mutually exclusive.

With that said, I do think the ban is too broad as it is currently written and feel it is being driven by the LGBTQ agenda which I do not agree with. This is a parental rights issue and freedom of speech issue in my opinion. Children are not wards of the "state". They are fully the responsibility of the parents. It is clearly a stretch to call it child abuse for a parent to try to get their confused child help in regard to their sexuality. These children are bombarded with the LGBTQ agenda continuously at every level of our society and are one of the main causes for some children's confusion. So first they confuse the children with too explicit sex education, discussing all different forms of sexual practices, then tell them it's ok for them to experiment, then wonder why some might think they are gay, bi, or trans. Once they confuse them, now they want to deny them access to loving, compassionate, kind hearted talk therapy. THAT is child abuse in my opinion.

We can agree to disagree on this, but I will continue to oppose this ban in it's current state. It is semantics to say the ban allows Talk Therapy, just not changing the patient's orientation or identity. You call it orientation or identity, I call it confusion and/or brain washing by a misguided society and an agenda driven LGBTQ community.>>

Mark J. Isaac

On Mon, Nov 25, 2019 at 11:19 AM Kurt Eggebrecht <kurt.eggebrecht@appleton.org> wrote:

Ok this will be attached to the Board of Health agenda for our December 11 meeting. All Council members have access to this packet of materials. The BOH meets at 7am in room 6A of the City center located at 100 N. Appleton Street.

Thanks,

Kurt

From: Mark & Jane Isaac [mailto:isaacmj7@gmail.com]
Sent: Monday, November 25, 2019 11:16 AM
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>
Subject: Re: Appleton City Ban on Conversion Therapy

Morning Kurt,

Yes please do forward this on to the appropriate council members who may have a vote on this. Both the board of health council and the entire council, along with the major.

I believe this proposed ban is too far reaching and unnecessary. If there are particular practices that need to be banned, let us reason together as a community and ban those particular practices, but not ALL counselling or therapy in is regard. There are many children that are simply confused and need help regarding their sexuality. Please don't leave these children without help or council. They need loving, compassionate, kindhearted counselling and therapy. They could make bad decisions without that help and counsel that may leave then depressed, lonely, and suicidal. Please don't cut off access to the only help they may have.

Thank you so much,

Mark J. Isaac

On Mon, Nov 25, 2019, 8:13 AM Kurt Eggebrecht <kurt.eggebrecht@appleton.org> wrote:

Thank you for your email. Please understand as a staff of the health department we do not vote on resolutions or any action items for that matter.

I will however forward this on the Board of Health members if you desire.

Thanks,

Kurt

From: Mark & Jane Isaac [mailto:isaacmj7@gmail.com]
Sent: Friday, November 22, 2019 5:13 PM
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>
Subject: Appleton City Ban on Conversion Therapy

Hello Kurt,

I am writing you in regards to the Appleton City Ban on Conversion Therapy that is being considered by the Health Committee and will eventually be brought to a vote in the near future.

I would ask that you please consider an **exclusion** for Talk Therapy regarding the proposed ban on Conversion Therapy. This is both a parental rights issue and a free speech issue. These children need loving, compassionate counselling before they make any drastic decisions that they could regret the rest of their lives. This open ended ban of ALL Conversion Therapy would leave these children and their parents without any access to secular counselling that has been proven to be very effective at helping confused, innocent, vulnerable children from making decisions that could condemn them to a life of regret, shame, and deep depression if they are not adequately counselled with a loving, compassionate counselor.

There are some Conversion Therapy practices that should be banned (electro shock treatments, etc...), but this ban as it is currently written would ban even Talk Therapy, which is far too intrusive and far to reaching. At the very least I would ask that Talk Therapy would be **excluded** from the ban and those practices banned would be explicitly stated with proven evidence of harm. These types of bans should not be agenda driven but rather fact driven. Please read the

following article on such a painful decision and the regrets that followed by one of many young people as an example.

https://www.dailysignal.com/2019/11/17/1-year-after-sex-change-this-teen-regrets-his-frankenstein-hack-job/?utm_medium=social&utm_source=facebook&utm_campaign=tds-fb

Thank you,

Mark J. Isaac

Resolution #10-R-19
Changing Beekeeping Permit Process

Submitted By: Alderperson Meltzer District 2 & Alderperson Schultz District 9
Date: August 7, 2019

Referred to: Board of Health

WHEREAS the health of bees and the health of our community is interdependent, and beekeeping is a necessary part of restoring collapsing bee populations that we rely on; and

WHEREAS Appleton has recently attained Bee City USA status; and

WHEREAS Appleton residents have provided feedback over the years since residential beekeeping was approved indicating that our regulations are extreme compared to surrounding communities, there are obstacles to accessing beekeeping in Appleton, and there are no incentives to remain in Appleton rather than move to our surrounding communities if one wants to keep bees at their residence;

THEREFORE be it resolved, that the City of Appleton make the following changes to our beekeeping permit requirements:

1. Change the permit cycle to November - November to align with timeline of purchasing bees and setting up hives
2. Remove notification and neighbor veto
3. Bring permit fees into alignment with other Wisconsin communities
4. Replace the calculation for hives per acre with a set number of hives per lot
5. Remove excessive detail from flyaway barrier requirements
6. Allow keeping Top Bar hives in addition to Removable Frame hives and recommend hives face SE direction if possible

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony including, but not limited to, stinging or attacking humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from March 1 through the last day of February the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said property.

Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) NEIGHBORHOOD APPROVAL REQUIRED.

1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

- (c) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.
2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than the following numbers of hives on the property:
 - a. A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.
 - b. A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.
 - c. A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.
 - d. A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.
6. Frames. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
7. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
8. Flyway Barrier. For all hives located within thirty (30) feet of a property line, a 6-foot high closed fence, closed hedge, building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
9. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
- (d) Upon receipt of a written objection, the application for renewal shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be renewed. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.
- (b) If a permit holder no longer intends to maintain and/or manage their apiary, the

permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

- (b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.
- (c) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- (d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

- (a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.
- (b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved by City Council November 2015.

BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony ~~including, but not limited to,~~ ~~stinging,~~ ~~swarming or attacking~~ humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from ~~March-November~~ 1 through the last day of ~~October-February~~ the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers

residing at or owning said property. Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

~~(b) NEIGHBORHOOD APPROVAL REQUIRED.~~

- ~~1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.~~
- ~~2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.~~
- ~~3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.~~

Commented [BKS1]: This section deleted

~~(c)(b)~~ INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. **Public Institutional District.** A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.

2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than ~~the following numbers of five (5)~~ hives on the property:
 - a. ~~A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.~~
 - b. ~~A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.~~
 - c. ~~A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.~~
 - ~~A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.~~
 - a. for each permitted hive one nucleus colony may be kept for requeening.
 - ~~b.~~ To maximize successful rescues of a swarm or a relocated colony, a beekeeper may keep such a colony for up to 30 days, upon notification to the health department, until a permanent location can be found.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
- ~~5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.~~
- ~~6-5. Frames. To facilitate inspection for disease, all honey combs must be readily removable and replaceable. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.~~
- ~~7-6. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed.~~
- ~~8-7. Flyway Barrier. For all hives located within ~~thirty twenty-five (3025)~~ feet of a property line, a ~~6-foot high closed fence, closed hedge, building, or other solid~~ flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.~~
- ~~9-8. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.~~
- ~~10-9. Placement.~~
 - a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all

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Commented [BKS2]: Eliminate a, b, c & d

other property lines.

- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of ~~forty-two~~ ~~five~~ ~~(5025)~~ feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. **PERMIT RENEWAL.**

(a) Permits shall be renewed each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.

(b) The Health Officer or his or her designee shall enter upon the permit holder's property at any reasonable time once a year to inspect the apiary, beekeeping equipment and honeybees.

4. **APIARY MAINTENANCE.**

(a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.

(b) If a permit holder no longer intends to maintain and/or manage their apiary, the permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

(c) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.

~~(d) — Queens shall be selected from stock bred for gentleness and non-swarming~~

~~(d) characteristics.~~

(e) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

(a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.

(b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be

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destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT**. The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS**. Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.



HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911
Telephone: 920-832-6429 Fax: 920-832-5853
RESIDENTIAL APIARY PERMIT APPLICATION
Effective Date December 1, 2017

PLEASE PRINT

Date of Application: _____ Anticipated Start Date _____

Applicant Information:

Name: _____

Apiary Information:

Number of Hives: _____

Address: _____

Location of Hive or Hives: _____

City/State/ZIP: _____

Address: _____

Telephone #: _____

City/State/ZIP _____

E-mail Address: _____

Person in Charge of Apiary: _____

Activity Code

Permit Description

Fee

141 Preinspection Fee: New Apiary \$145.00

142 Apiary Permit (Separate Permit Required for each apiary on a Property) \$59.00

NOTE: The Preinspection Fee Is Non-Refundable Total Amount Due \$

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate
 watering location. Indicate flyway barrier location, material and height.
 Provide documentation of training as a Beekeeper.

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO CITY OF APPLETON
 SUBMIT APPLICATION AND FEE TO APPLETON HEALTH DEPT.
 100 N APPLETON ST
 APPLETON WI 54911-4799

OFFICE USE

Date letter sent to property owners within 400 feet of center of proposed apiary _____

Written Objections Received (attach) _____ Written Objection Deadline _____

Inspector Signature _____ Date _____

Apiary Start Date _____

Establishment Number (COA#) _____ Account # 12530-4305 Receipt # _____

License Year March 1, _____ Expires February _____, _____ Assigned Inspector _____

Amount Paid \$ _____ Check # _____ Account Name: _____



HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911
 Telephone: 920-832-6429 Fax: 920-832-5853
RESIDENTIAL APIARY PERMIT APPLICATION
 Effective Date December 1, 2017

PLEASE PRINT

Date of Application: _____ Anticipated Start Date _____

Applicant Information: _____ **Apiary Information:** _____
 Name: _____ Number of Hives: _____

Address: _____ Location of Hive or Hives: _____

City/State/ZIP: _____ Address: _____

Telephone #: _____ City/State/ZIP _____

E-mail Address: _____ Person in Charge of Apiary: _____

<u>Activity Code</u>	<u>Permit Description</u>	<u>Fee</u>
141	Preinspection Fee: New Apiary	145-\$30
142	Apiary Permit (Separate Permit Required for each apiary on a Property)	59 \$10
NOTE:	The Preinspection Fee Is Non-Refundable	<u>Total Amount Due</u> \$ _____

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. **Upon renewal, if no changes have been made, use original sketch on file.** Provide documentation of training as a Beekeeper.

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO CITY OF APPLETON
 SUBMIT APPLICATION AND FEE TO APPLETON HEALTH DEPT.
 100 N APPLETON ST
 APPLETON WI 54911-4799

OFFICE USE

Date letter sent to property owners within 400 feet of center of proposed apiary _____

Written Objections Received (attach) _____ Written Objection Deadline _____

Inspector Signature _____ Date _____

Apiary Start Date _____

Establishment Number (COA#) _____ Account # 12530-4305 Receipt # _____

License Year March 1, _____ Expires February _____, _____ Assigned Inspector _____

Amount Paid \$ _____ Check # _____ Account Name: _____



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Board of Health

FROM: Amanda Abshire, Assistant City Attorney

DATE: October 2, 2019

RE: Request for Clarification in the Beekeeping Permit Process

Our office recently discovered inconsistent language related to the process for hearing objections to beekeeping permits. Certain portions of the policy seem to indicate that the Board of Health makes the final determination when an objection is received — whereas other portions within the same document suggest that the Common Council makes the final determination. I have attached the relevant documents as well as summarized the process below. Staff is seeking clarification regarding the appeal process so that the language in the policy is consistent.

- **Beekeeping Permit Requirements (aka: “rooftop beekeeping”)**
 - Upon receipt of a written objection from a property owner within a 200 feet radius, the application shall be placed on the Agenda for the Board of Health (“the Board”) to be reviewed at the next regular meeting.
 - Sec. 2(a)4. details that the Board shall make a recommendation to the Common Council regarding the approval of a permit after providing the applicant and objector an opportunity to be heard. Thus, there appears to be an expectation that because the Board’s determination is merely a recommendation, the matter will be heard again by the Common Council.
 - Sec. 6 indicates that the Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter—suggesting finality in the Board’s decision. The same section then indicates that the decision of the Board is subject to review by certiorari by the court of record. This language again suggests that the determination of Board is final and thereby only appealable to the court – not subject to a hearing before the Common Council.

While the sections referenced above seem to be inconsistent, it is worth noting that the residential beekeeping permit requirements are clear in that the Board of Health makes the final determination. There is no mention regarding a recommendation, but rather, the expectation that they are making a final determination regarding the appeal. The appeal process for residential beekeeping is summarized below:

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

Amanda Abshire
Assistant City Attorney

Darrin M. Glad
Assistant City Attorney

- **Residential Beekeeping Permit Requirements**

- Upon receipt of a written objection from a property owner within a 400 feet radius, the application shall be placed on the Agenda for the Board of Health (“the Board”) to be reviewed at the next regular meeting.
- Sec. 2(b)3. indicates that the Board shall allow the applicant and objector an opportunity to be heard on the permit. Thereafter, the Board may affirm, modify or set aside the order. The Board’s decision is subject to review by certiorari by a court of record.
- Sec. 7 reiterates that the Board of Health hears the appeal and makes the final determination – subject to review by certiorari by a court of record.

REQUEST FROM STAFF: Staff is seeking clarification in the appeal process: should the respective Board make a . . .

- ❖ recommendation to the Common Council regarding the application OR
- ❖ final determination regarding the application

Once the process is clarified, staff will draft the appropriate changes to the rules and regulations.

Thank you for your consideration. As always, please do not hesitate to reach out to me with any questions and/or concerns.

BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)

DEFINITIONS:

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPING means intentionally creating, fostering or maintaining a colony of honeybees.

BEEKEEPER means a person who owns or has charge of one or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

HONEY BEE means all life stages of the common domestic honeybee, *Apis mellifera* species.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. GENERALLY.

No person shall keep honeybees in the city without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one-year from July 1 through June 30, and may be renewed annually, except that a permit initially issued during the period beginning March 1 and ending on June 30 expires on June 30 the following year.

2. APPLICATION FOR PERMIT

Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.

(a). NEIGHBORHOOD APPROVAL REQUIRED.

Before a permit is issued for the keeping of bees, the following process shall be followed:

1. **Written permission from the property owner is required if the permit applicant doesn't own the property where bees will be kept.**
2. When a permit is applied for, all property owners within a circular area having a radius of 200 feet, centered on the premises for which a permit has been requested, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
3. Property owners shall have 14 working days to file a written objection to the Health Officer if they object to the granting of a permit.
4. Upon receipt of a written objection, the matter shall be placed on the Agenda for the Board of Health to be reviewed at the next regular meeting. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board shall make a recommendation to the Common Council regarding approval of said permit.

(b). INSPECTION OF APIARY

Prior to populating the hive or hives, an inspection shall be conducted to ensure compliance with all of the following provisions:

1. Up to five (5) honeybee hives may be maintained by a permit holder within areas zoned P-I, Public Institutional District and **Central Business District (CBD)**; or, a permit holder may maintain three (3) honeybee hives per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
2. All colonies shall be kept in hives with removable frames, which shall be maintained in sound and usable condition.
3. Each apiary shall have the owner's name and address legibly displayed in a prominent place in the apiary. All hives shall be permanently marked with the owners name and address, if located off the property under control of the hive owner.
4. A 6-foot high closed fence, or closed hedge, a building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the hives and the rear and side property lines for all hives located within 30 feet of the property line. A flyway barrier is not needed if the bee hive

or hives are kept at least 10 feet off the ground. *Health Officer discretion will be used regarding the need for physical barriers.*

5. A continuous supply of water shall be located on the property where hives are kept, be located near the hive or hives, and be located within the enclosures and flyway barriers. The water source shall be designed to allow bees to access water by landing on a hard surface. This provision is not required during the winter.
6. All hives and related structures that form the apiary shall be located a minimum of 30 feet from the front property line and 10 feet from all other property lines. Hives may not be located in the front yard of any lot.
7. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

3. APIARY MAINTENANCE

- a. Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.
- b. In any instance in which a colony exhibits aggressive or swarming behavior, it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarming characteristics. Aggressive behavior is any instance in which unusual characteristics such as stinging or attacking humans or animals without provocation occurs.
- c. The provisions of Sections 3-15 (a), Appleton Municipal Code, do not apply to beekeeping.

4. RIGHT OF ENTRY.

- a. The Health Officer, or his or her designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.
- b. If the Health Officer, or his or her designee, finds any hive kept in violation of these requirements, he or she may order the violation corrected within 30 days. If the permit holder fails to correct the violation within 30 days, the hive in violation may be destroyed and/or removed from the municipality by the Health Officer, or his or her designee, and the cost

thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stat. § 66.0627.

5. SUSPENSION OR REVOCATION OF PERMIT

The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

6. APPEALS

Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved at the March 2, 2011 Board of Health meeting.

Approved at the March 2, 2011 Common Council meeting.

Amended 3-29-13 to include the 3-20-13 Council approval of beehives at urban farms

Amended 5-10-17 to include BOH approval of beehives on rooftops in CBD

Approved by Common Council on 5-17-17

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony including, but not limited to, stinging or attacking humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from March 1 through the last day of February the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said property.

Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) NEIGHBORHOOD APPROVAL REQUIRED.

1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

- (c) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.
2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than the following numbers of hives on the property:
 - a. A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.
 - b. A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.
 - c. A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.
 - d. A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.
6. Frames. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
7. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
8. Flyway Barrier. For all hives located within thirty (30) feet of a property line, a 6-foot high closed fence, closed hedge, building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
9. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
- (d) Upon receipt of a written objection, the application for renewal shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be renewed. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.
- (b) If a permit holder no longer intends to maintain and/or manage their apiary, the

permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

- (b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.
- (c) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- (d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

- (a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.
- (b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved by City Council November 2015.



I. Preventing Disease

Immunization Clinics	Current Month	Year to Date	Last Year to Date
Persons Immunized	18	114	86
Immunizations administered	46	286	207

Communicable Disease Cases	Current Month	Year to Date	Last Year to Date
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Gastroenteric

Campylobacter	0	10	16
Cryptosporidiosis	1	10	7
Cyclosporiasis	0	11	6
E. Coli (STEC)	1	37	53
E. Coli (Other)	7	38	0
Giardiasis	0	6	5
Hemolytic Uremic Syndrome	0	0	0
Listeriosis	0	0	0
Salmonellosis	0	18	13
Shigellosis	0	8	2
Vibriosis	0	2	2
Yersinia	0	2	1

Other Communicable Diseases	Current Month	Year to Date	Last Year to Date
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Acute Flaccid Myelitis	0	0	0
Babesiosis	0	1	0
Bacterial Meningitis	0	0	1
Blastomycosis	0	0	0
Burkholderia Pseudomallei	0	0	0
Carbon Monoxide Poisoning	1	9	1
Cat Scratch Disease (Bartonella species)	0	0	0
Ehrlichiosis / Anaplasmosis	0	4	2
Haemophilus Influenza	0	1	0
Hepatitis A	2	2	0
Hepatitis B	0	4	4
Hepatitis C	7	43	43
Histoplasmosis	0	1	1
Hospitalized Influenza	0	30	58
Invasive Group A Strep	0	0	1
Invasive Strep, Other	0	0	9
Jamestown Canyon	0	0	0
Kawasaki	0	0	2
Lead Toxicity	0	0	0
Legionellosis	0	1	1
Leprosy	0	0	0
Lyme Disease	4	19	15

Malaria	0	0	0
Neisseria Meningitidis, Invasive Disease	0	0	1
Novel Influenza	0	0	0
Rocky Mountain Spotted Fever	0	0	0
Streptococcus group B invasive disease	1	15	7
Streptococcus pneumoniae	0	1	3
TB, Latent Infection	3	25	13
TB: Atypical	0	7	13
TB: Mycobacterium	0	2	0
Viral Meningitis	0	0	0
VISA	0	0	0
West Nile Virus	0	0	0

Vaccine Preventable	Current Month	Year to Date	Last Year to Date
Measles	0	0	0
Mumps	0	0	0
Pertussis	1	3	8
Rubella	0	0	0
Varicella	3	8	5

Sexually Transmitted Disease	Current Month		Year to Date		Last Year to Date	
	All Ages	≤18	All Ages	≤18	All Ages	≤18
Chlamydia	33	0	259	23	292	34
Gonorrhea	11	0	42	2	42	4
HIV	0	0	3	0	1	0
Other STD	0	0	0	0	0	0
Partner/Referral Program (Contacts)	0	0	1	0	1	0
Syphilis	2	0	4	0	5	0

Licensed Establishments	Current Month	Year to Date	Last Year to Date
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PE & D, Retail Food, Hotel/Motel, Bed & Breakfast, Manufactured Home
Community, Vending Machines, Swimming Pools, Tattoo & Body Piercing, Rec/Ed

Plan Reviews	0	2	4
Preinspections	0	62	37
Inspections	19	327	468
Reinspections	2	36	101
Complaints	4	30	29
Complaint Follow-ups	0	7	4
Consultations	26	359	426

Food Borne/Water Borne	Current Month	Year to Date	Last Year to Date
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Number of Outbreaks	0	0	0
Number of Interviews	0	0	2
Number of symptomatic	0	0	2

Laboratory/Field Tests	Current Month	Year to Date	Last Year to Date
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Swimming Pool Water Samples

Total number of pools sampled	17	199	189
Total number of pools resampled	0	0	5
Total positive HPC	0	0	0
Total positive coliform	0	0	5

II. Protecting the Environment

Environmental Investigations	Current Month	Year to Date	Last Year to Date
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Community water supplies, private water supplies, surface water pollution, standing water nuisance, animal nuisances, rabies control, insect control, rodent control, hazardous substance control, indoor/outdoor air pollution, noise, radiation, garbage/rubbish, private residence/housing, other business (non-licensed)

Consultations	23	134	192
Complaints	3	13	9
Complaint Follow-ups	2	5	11

III. Promoting Health

Community Health Visits	Current Month	Year to Date	Last Year to Date
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Includes contact to elderly and adult clients, parents, and children for purposes of assessment, teaching, referrals, and case management

Patient Home/Telephone Visits	113	757	781
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IV. Protecting the Consumer

Consumer Complaints	Current Month	Year to Date	Last Year to Date
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Weights and Measures, Product Labeling, and Trade Practices

Total number of consumer complaints	4	38	34
Total number found in violation	1	7	7

Type of Establishments Inspected	Current Month	Year to Date	Last Year to Date
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Food and convenience stores, restaurants, bakery and candy stores, dairy plants and stores, drug stores, hardware stores, variety stores, gas stations, salvage and recyclers, pet shops, and garden centers, industrial manufacturing plants, concrete and asphalt plants

Total number inspected	27	560	546
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Equipment and Devices Examined	Inspected			Number Not in Compliance		
	Current Month	Year to Date	Last Year to Date	Current Month	Year to Date	Last Year to Date
Scales and balances	86	508	535	0	13	3
Measures (includes gas pumps and fuel oil truck meters)	79	1,052	1,005	3	40	35
Weights	0	24	12	0	0	0
Total	165	1,584	1,552	3	53	38

Commodity Report	Current Month	Year to Date	Last Year to Date
Total units of product investigated	14,486	143,637	125,805
Random sample size	2,090	16,304	19,134
Total products/units found short weight	260	1,157	1,267
Total products/units found mislabeled	122	1,500	694

Price Scanning Inspections	Current Month	Year to Date	Last Year to Date
Number of inspections	1	121	118
Number of items scanned	25	4,100	3,952
Pricing errors found	1	98	123