

City of Appleton

Meeting Agenda - Final

Board of Health

Wednesday, September 9, 2015		7:00 AM	Council Chambers, 6th Floor							
1.	Call meeting	to order								
2.	Roll call of m	Roll call of membership								
3.	Approval of	Approval of minutes from previous meeting								
4.	Public Hear	ings/Appear	ances							
5.	Action Item	s								
	<u>15-967</u>	Dalton/Meltz	m City Plan Commission; R zer <u>: Bee Resolution.pdf</u> <u>Bees in Residential Zone.pdf</u> <u>Beekeeping Permit Requireme</u> <u>Apiary Permit Application 201</u>	ents .pdf						
		Legislative Hist		<u></u>						
		6/8/15	City Plan Commission	held						
		6/22/15	City Plan Commission	referred to the Board of Health						
		7/8/15	Board of Health	presented						
		8/12/15	Board of Health	recommended for approval						
		8/19/15	Common Council	referred to the Board of Health						
6.	Information	Items								
	<u>15-1418</u>	July Monthly	y Report 2015							
		<u>Attachments</u>	July Monthly Report 2015.pdf							
	<u>15-1419</u>	Blastomycos	sis Update							
	<u>15-1417</u>		nce Approvals <u>: Noise Variance Requests 9-9-</u>	<u>15.pdf</u>						
	<u>15-019</u>	Other Busin <u>Legislative His</u> t								

7/8/15	Board of Health	presented
8/12/15	Board of Health	presented

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.

BACKGROUND

At the June 8, 2015 Plan Commission meeting, staff was asked to provide the current beekeeping requirements of the Municipal Code in response to Resolution #8-R-15 - Dalton/Meltzer, which is as follows:

Resolution #8-R-15 - Dalton/Meltzer

"Whereas, the City of Appleton approved amended language to allow for the keeping of honeybees on areas zoned Public Institution in 2011, and areas zoned Urban Farm in 2013,

Whereas, there have been no reported incidents or problems related to the maintained honeybee populations,

Now, Therefore, Be it Resolved, the Appleton Municipal Code 3-52 be amended to include the following language:

"All zoned areas may, with the Health Officer's written consent, maintain up to 5 hives" and approved Beekeeping Permit requirements."

Study

Over the course of the past 15 years, Health Department staff and the Board of Health have had requests to make various revisions to Appleton Municipal Code Chapter 3 Animals, Sec 3-52, related to restricted species in the City. During this time frame, the Health Department has had varying requests to revise the ordinance language to allow for residents to raise pot belly pigs, pigmy horses, goats, chickens, bees, and ducks. Requests to change the language to allow for raising these restricted species in residential settings have been denied by the Common Council on each occasion.

In 2011, Health Department staff recommended, and the Board of Health and Common Council voted to approve, a permitting process, administered by the Health Department, for allowing up to five Honey Bee hives within areas zoned P-I, Public Institution Districts. In 2013, the Municipal Code was again amended so that a permit holder may maintain three Honey Bee hives per acre up to a maximum of 25 hives within an area approved as an urban farm. This language was added into Sec 3-52 (b) of the Municipal Code.

As it relates to this current request, Health Department staff has reviewed dozens of municipal codes and a model ordinance from the State of Minnesota related to bee-keeping.

We also received helpful information from residents, business owners (who sell related equipment) and current bee tenders who live outside the City.

Some of what we learned in these discussions, and by the review of ordinances, relate to two particular species of bees: the Mason Bee, and the Common Honey Bee.

Mason Bees (Osmia Lignaria) are non-stinging, honey producing bees. One hundred forty different varieties of Mason Bees are present in North America, and there are 200 varieties worldwide. Mason Bees, also known as the blue orchard bee, are the most common bee found in Wisconsin. The Mason Bee is a great pollinator, but nonsocial unlike the Honey Bee. Mason Bees work alone. All Mason Bees lay eggs, live about 8-10 weeks, hibernate in the winter, and the males die in the spring after inseminating the females as they are no longer needed. They move frequently to where the pollen is, and they need a source of mud to cap the tubes filled with honey and the larvae in them - no wax. Mason Bees are a food source for birds including Robins, Crows, Starlings, and Wood Peckers. Their short coming is a low amount of honey production and no wax production. They are good pollinators when they stick around, and they do not sting.

Honey Bees (Apidae Melliferna) are social insects. They do sting but only as a last resort. When they sting they die. Honey Bees produce commercial quantities of honey and wax. Honey Bees are eusocial: they live in groups and divide labor among members who specialize in certain tasks. Honey Bees are so reliant on each other that no individual bee can live long on its own.

The Queen: The only sexually developed female in the hive. The Queen's task is reproduction and hive control via pheromone production.

Drones: Male bees. They have a defined life cycle. They mate with Queen Bees from other hives for genetic diversity. Despite the lack of participation in day to day operation of a colony, drones seem important for the normal function of a colony from which they originate.

Worker Bees: They are sexually underdeveloped female bees. Workers live only 6 weeks during the foraging season (honey producing season). Their life span is affected by flight miles more than time. Worker bees that emerge in the fall live 6 months, help the colony survive the winter, and help rear new Worker bees for the spring.

Bees sometimes make headlines in the news because of the Africanization of the bees in South America and South US from strains of aggressive African bees infiltrating the native hives, displacing the docile strain with a more aggressive bee. These bees have value because they produce more honey. They are more difficult to control, and like to sting. Lucky for us they do not like cold weather. Bee-keepers in the Midwest do not handle these strains.

Recommendations

Staff members from both the Health Department and Attorney's Office have completed extensive research and identified the important components, within the various ordinances we have reviewed, to be included in the draft ordinance we crafted as requested. We did limit our language just to honeybees based on the written request by the sponsoring alderpersons.

We recognize the policy decision as to whether or not to allow Honey Bee hives within residential sections of the City will be decided by Common Council.

As staff, in addition to the drafting Apiary Requirements, which is based on minimizing neighborhood disputes and related concerns, we have also written a suggested permitting process. This process includes a permitting fee to capture staff time commitment to reviewing applications, neighborhood notifications and inspecting the hives.

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.

AGGESSIVE 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 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. <u>APPLICATION FOR PERMIT</u>. 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 two hundred (200) 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 two hundred (200) feet of the proposed apiary objecting to the permit must file a written objection to the permit 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.
 - 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 shall make a recommendation to the Common Council regarding approval of said permit.

(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. <u>Public Institutional District</u>. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.

- 2. <u>Urban Farm</u>. 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. <u>Residential Zone</u>. 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. <u>Occupation</u>. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
- 5. <u>Vacant/Unoccupied Lot</u>. No apiary may be placed on vacant or unoccupied lots.
- 6. <u>Frames</u>. 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. <u>Identification</u>. 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. <u>Flyway Barrier</u>. 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. <u>Water Supply</u>. 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. Placement.
 - 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 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 characteristics.

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

beekeeping.

5. **<u>RIGHT OF ENTRY</u>**.

(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.

HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911 Telephone: 920-832-6429 Fax: 920-832-5853 APIARY PERMIT APPLICATION Effective Date May 1, 2015								
	DIEAS							
-	ppropriate Box: This is an NEW Application	on This is a RENEWAL Applica Anticipated Start Date						
Date of Application:								
Applicant Information	on:	Apiary Information: Person in Charge of Apiary:						
Name.		reison in Charge of Aplary.						
Address:		Number of Hives:						
City/State/ZIP:		E-mail Address:						
Telephone #:								
Activity Code	Permit Descr	iption	Fee					
141	Preinspection Fee: (New Apiary)		\$145.00					
142	Apiary Permit (New and Renewal)		\$59.00					
NOTE:	The Preinspection Fee Is Non-Refundable	Total Amount Du	e \$					
distances from prop	/AL applications, provide a sketch of the propert perty lines, neighboring dwellings, porches, gaze lay equipment. Indicate watering location. Indi Provide documentation o	bos, decks, swimming pools, permanently	affixed					
Signature of Applica	ant	Date						
Drivers License Nur	nber							
MAKE CHECK OR N	ONEY ORDER PAYABLE TO	СІТҮ С	OF APPLETON					
SUBMIT APPLICATI	ON AND FEE TO	APPLE	ETON HEALTH DEPT.					
			APPLETON ST					
	OFFIC	E USE	ETON WI 54911-4799					
Date letter sent to p	roperty owners within 200 feet of proposed ap							
Written Objections F	Received (attach) Written Ob	jection Deadline						
Inspector Signature	•	Date						
Apiary Start Date								
Establishment Num	ber (COA#)							
License Year: March	h 1,Expires February,	YearAssigned Inspe	ctor					
Amount Paid \$	Check #	Account Name:						



I. Preventing Disease

Immunization Clinics	Current Month	Year to Date	Last Year to Date
Persons Immunized	3	98	127
Immunizations administered	6	203	289

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

Gastroenteric

Campylobacter	1	10	7
Giardiasis	2	4	3
Salmonellosis	1	4	8
Amebiasas	0	0	1
Balantidium Coli	0	0	0
Hook Worm	0	0	0
Shigellosis	0	0	0
<u>Yersinia</u>	0	0	0
<u>Strongyloides</u>	0	0	0
<u>Cryptosporidiosis</u>	0	2	0
<u>E. Coli</u>	0	1	1
<u>Listeriosis</u>	0	0	0

July 2015

Other Communicable Diseases	Current Month	Year to Date	Last Year to Date
Haemophilis Influenza	0	0	1
Blastomycosis	0	0	0
Hepatitis A	0	0	0
Hepatitis B	0	3	5
Hepatitis C	1	23	23
Streptococcus pneumoniae	0	5	2
Leprosy	0	0	0
Lead Toxicity	0	0	0
Legionellosis	0	0	0
Lyme Disease	3	4	6
Ehrlichiosis / Anaplasmosis	0	1	6
Malaria	0	0	1
Bacterial Meningitis	0	0	0
Viral Meningitis	0	1	0
Invasive Group A Strep	0	0	1
Rheumatic Fever	0	0	0
<u>Tetanus</u>	0	0	0
Toxic Shock	0	0	0
Typhoid	0	0	0
TB: Mycobacterium	0	2	2
TB: Atypical	0	3	5
Viral Encephalitis	0	0	0
Cat Scratch Disease (Bartonella species)	0	0	0
Streptococcus group B invasive disease	1	6	6
Vibrio Cholera	0	0	0
West Nile Virus	0	0	0
<u>Kawasaki</u>	0	0	1
Novel Influenza	0	0	0
Hospitalized Influenza	0	31	15
Babesiosis	0	0	0

Vaccine Preventable	Current Month	Year to Date	Last Year to Date
Measles	0	0	0
<u>Mumps</u>	0	0	0
Pertussis	0	1	2
Rubella	0	0	0
Varicella	0	0	4

	Current Month		Year to Date		Last Year to Date	
Sexually Transmitted Disease	All Ages	≤18	All Ages	≤18	All Ages	≤18
Chlamydia	29	2	146	16	156	20
Gonorrhea	3	0	9	0	20	0
Partner/Referral Program	0	0	1	0	0	0
HIV	1	0	3	0	4	0
Other STD	0	0	0	0	0	0
<u>Syphilis</u>	0	0	0	0	0	0

	Current	Year to	Last Year
Licensed Establishments	Month	Date	to Date

PE & D, Retail Food, Hotel/Motel, Bed & Breakfast, Manufactured Home Community, Vending Machines, Swimming Pools, Tattoo & Body Piercing, Rec/Ed

Preinspections	7	39	28
Inspections	29	335	361
Reinspections	6	77	83
Complaints	9	32	31
Complaint Follow-ups	0	5	5
Consultations	62	336	314

Food Borne/Water Borne	Current Month	Year to Date	Last Year to Date
Number of Outbreaks	0	0	0
Number of Interviews	2	4	1
Number of symtomatic	2	3	1

Laboratory/Field Tests	Current	Year to	Last Year
	Month	Date	to Date
	Month	Date	to Date

Swimming Pool Water Samples

Total number of pools sampled	23	138	147
Total number of pools resampled	2	2	0
Total positive HPC	0	0	0
Total positive coliform	2	2	0

II. Protecting the Environment

	Current	Year to	Last Year
Environmental Investigations	Month	Date	to Date

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 (nonlicensed)

Complaints	7	35	41
Complaint Follow-ups	3	21	29
Consultations	33	140	118

III. Promoting Health

Community Health Visits	Current	Year to	Last Year
	Month	Date	to Date
Community ricatin visits	MONTH	Dale	IU Dale

Includes contact to elderly and adult clients, parents, and children for purposes of assessment, teaching, referrals, and case management

Patient Home/Telephone Visits	100	596	601

IV. Protecting the Consumer

Consumer Complaints	Current	Year to	Last Year
	Month	Date	to Date
oonsumer oomplaints	WOTILIT	Dale	IU Dale

Weights and Measures, Product Labeling, and Trade Practices

Total number of consumer complaints	5	26	29
Total number found in violation	1	8	19

	Current	Year to	Last Year
Type of Establishments Inspected	Month	Date	to Date

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	42	382	428

	Inspected			Number	Not in Co	mpliance
Equipment and Devices Examined	Current Month	Year to Date	Last Year to Date	Current Month	Year to Date	Last Year to Date
Scales and balances	61	429	471	3	16	20
Measures (includes gas pumps and fuel oil truck meters)	237	666	762	4	8	27
Weights	2	75	87	0	0	0
Total	300	1170	1320	7	24	47

Commodity Report	Current Month	Year to Date	Last Year to Date
Total units of product investigated	3,882	48,813	50,989
Random sample size	478	7,840	7,682
Total products/units found short weight	418	2,156	895
Total products/units found mislabeled	24	3,167	4,675

Price Scanning Inspections	Current Month	Year to Date	Last Year to Date
Number of inspections	8	84	84
Number of items scanned	250	2,811	2,679
Pricing errors found	7	101	74

The following noise variance requests have been approved by Health Officer, Kurt Eggebrecht:

Miles for Myeloma Run/Walk 2500 E Capital Dr October 3rd 7:30am – 12:00pm

Music Event Lawrence University Quad September 12th 9:00pm-11:00pm

40th Birthday Party Fox River House October 2nd until 11pm

Shackathon Lawrence University Quad September 25th 5pm-10pm

The following noise variance requests have been approved by the Board of Heath:

Vinton Construction Company Prospect Ave & Jackman St Overhead Sept-Oct – 6 nights

Northeast Asphalt Inc 2201 South Kensington Avenue August 24 – 2 nights