AGENDA

JOINT SESSION
MOLALLA CITY COUNCIL & PLANNING COMMISSION
November 15, 2023
6:30 PM
Molalla Civic Center
315 Kennel Ave, Molalla, OR 97038

Mayor Scott Keyser

Council President Jody Newland — ***Councilor Leota Childress***
Councilor Crystal Robles — ***Councilor Terry Shankle***
Councilor Eric Vermillion — ***Councilor RaeLynn Botsford***

Planning Chair Doug Eaglebear

Commissioner Jennifer Satter — ***Commissioner Connie Sharp***
Commissioner Clint Ancell — ***Commissioner Martin Ornelas***
Commissioner David Potts — ***Vacancy***

In accordance with House Bill 2560, the City of Molalla adheres to the following practices:
Live-streaming of the Molalla City Council Meetings are available on Facebook at "Molalla City Council Meetings – LIVE" and "Molalla City Council Meetings" on YouTube.
Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ recorder@cityofmolalla.com by 4:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

3. DISCUSSION ITEMS

4. ADJOURN

Agenda posted at City Hall, Library, and the City Website at http://www.cityofmolalla.com/meetings.This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.

CITY OF MOLALLA

117 N. Molalla Avenue
PO Box 248
Molalla, OR 97038

Staff Report

Agenda Category: General Discussion

Agenda Date: November 15, 2023

From: Christie Teets, City Recorder
Approved by: Dan Huff, City Manager

SUBJECT: Planning Commission Appointment Procedure

FISCAL IMPACT: N/A

RECOMMENDATION/RECOMMEND MOTION:

BACKGROUND:

Recently, a Planning Commission seat became vacant with the resignation of former Planning Commissioner Deaton.

Staff advertised the opening on The Molalla Current, the City's Facebook page, and the City website. Applications are due November 30, 2023.

Mayor Keyser would like the Planning Commission to review applications and submit a recommendation (or two) to City Council on December 13, 2023.

Staff has provided a list of questions used for interviews in the past.

Community Development Department
315 Kennel Ave/PO Box 248
Molalla, OR 97038
Phone 503.759.0205
www.cityofmolalla.com

Question suggestions for Planning Commission seat.

- What motivated you to apply for this position?
- Do you have any personal/professional interest in the city's planning or development? If yes, please explain.
- What prior knowledge, if any, do you have working with planning, development, or serving on a public committee/commission?
- What do you believe your role is as a Planning Commissioner for the City of Molalla?
- Commitment to this position is, at minimum, 1 meeting a month for a few hours with some further time needed for events and other trainings/meetings. Is this something you have planned for and are willing to agree to?
- There may be some confidential information discussed during your service in this position. Do you have any examples of working with confidential information?

Article III. Planning Commission

2.06.090 Purpose.

The purpose of the Planning Commission shall be to conduct the review of the Comprehensive Plan, implement ordinances, hold hearings and make decisions and recommendations to the City Council on major plan and ordinance amendment applications as well as other such matters approved in this chapter. (Ord. 2018-05 §1)

2.06.100 Created—Composition—Compensation.

A. There is created a City Planning Commission for the City of Molalla.

1. The Planning Commission shall consist of the following:

a. Voting Members.

i. A minimum of three but no more than seven members to be appointed as outlined in Section 2.06.110.

ii. No more than two voting members may be non-residents of the City. There shall be more residents of the City than non-residents on the Commission.

b. It is the policy of the City of Molalla that involving youth in the public decision-making process promotes interest and participation. Accordingly, the Planning Commission may also have up to two additional non-voting members of high-school age, who must live within the Molalla River School District. (Ord. 2019-06 §6; Ord. 2018-05 §1)

2.06.110 Terms of members.

A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a four-year term. Any vacancies shall be appointed by the Mayor with the consent of the City Council for the remaining portion of the term.

B. Absences or tardies from two regular meetings per calendar year may disqualify a member. The Planning Commission may also request that the Mayor appoint a replacement. Members must notify staff via email or telephone to be excused from regularly scheduled meetings.

C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2023-03 §1; Ord. 2019-06 §7; Ord. 2018-05 §1)

2.06.120 Quorum—Rules of procedure.

A. A majority of the voting Commission shall constitute a quorum. The Commission is authorized to adopt rules of procedure for the conduct of its meetings and hearings, provided such rules do not conflict with state law, City Charter, Ordinances, and the Comprehensive Plan. A copy of such rules shall be filed with the City Recorder and made available for inspection to those appearing before the Planning Commission prior to their appearance.

B. When exercising the function of the Hearings Officer, the Planning Commission shall follow the rules of the Hearings Officer in per- forming said function. A majority vote of the Planning Commission members present shall be sufficient for taking any action authorized by ordinance. (Ord. 2018-05 §1)

2.06.130 Meetings—Officers.

The Planning Commission shall meet on a monthly basis. At the first meeting of each calendar year, the Commission shall select a chair, vice-chair, and a secretary. The chair, or vice-chair in the chair's absence, shall preside over the Planning Commission's meetings and hearings. (Ord. 2018-05 §1)

2.06.140 Record of proceedings.

A record of the proceedings shall be made by electronic recording and subject to retention schedule. A transcript can be made available upon written request within the first year of the proceeding. Summary written minutes will be kept of each meeting of record as a tracking method of the meeting and or hearing of record. (Ord. 2018-05 §1)

2.06.150 Right of parties to present evidence at hearings.

A. At public hearings before the Planning Commission, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.

B. The chair may limit the speaking time allowed for interested parties to five minutes. (Ord. 2018-05 §1)

Contact:

City Hall: 503-829-6855

CAMERON McCARTHY
LANDSCAPE ARCHITECTURE & PLANNING

City of Molalla
Park, Recreation, and Trails System Plan

Joint City Council and Planning Commission
Work Session

Date/time: Wednesday, Nov. 15, 2023, 6:30 p.m.
Location: Molalla Civic Center, 315 Kennel Ave., Molalla, OR 97038

MEETING AGENDA

1. **PRESENTATION**
    a. Planning process
    b. Demographic analysis
    c. City achievements
    d. Community involvement methods
    e. Draft existing system inventory

2. **DISCUSSION: NEEDS & OPPORTUNITIES**
    a. General questions and feedback
    b. What challenges does the community (or community members) face when using existing parks and recreation facilities and services? (e.g., transportation, mobility; cost; maintenance; info about facilities & activities). Alternatively, how can we expand the use of parks and recreation facilities?
    c. What park and recreation facilities or services are most needed in the community? What improvements would make the park system more usable or enjoyable?
    d. How can park and recreation system policies and improvements align with and advance other community goals? (e.g., public health, economic development, environmental conservation, social equity)

November 8, 2023

City Council and Planning Commission
City of Molalla
117 N. Molalla Ave
Molalla, Oregon 97308

Re: Residential Beekeeping and Considerations for the Adoption of Codes/Rules

The Oregon State Beekeepers Association (OSBA) appreciates the opportunity to present this information. We represent commercial and residential **honeybee** keepers throughout the state, and have an interest in the actions and regulations that may affect beekeepers whether they are residential beekeepers, or small scale or commercial operators. The OSBA has been involved in a number of instances where well-meaning governmental agencies while serving their residents, have previously adopted or sought to adopt rules/codes that place undue restrictions on **residential** beekeeping. Our intent is to provide expertise and assistance to cities and counties as they address the **keeping of honeybees** in the urban environment. To this end we have attached informational materials divided into three categories:

1. General information: Honeybees and Beekeeping; the Honeybee Sting vs Other Hazards; Expert testimony at the McMinnville code hearing (2008) and the article What happens if Bees Go Extinct?, and
2. Rules and Codes: Why Have Residential Beekeeping Rules?; Legislative Resolution 9 (2015); Oregon House Bill 2653 (2015) and Oregon Revised Statutes 602.045 and 602.090 (2015); the League of Oregon Cities Model Beekeeping Ordinance (2018); and the Oregon State University (OSU) Extension booklet EM 9186 "Best-Practice Guidelines" for Residential Beekeeping (2018), and
3. Examples of Residential Honeybee and Beekeeping Codes/Rules: Including those for Hubbard (2021), Ashland (2021), Springfield (2020), Bend, Gresham (2015), Salem (2019), Marion County (2019), Eugene (2021), and Ohio (2019).

We strongly encourage you to review this information, as you consider whether or not to adopt rules and what those rules would require as they pertain to honeybee keepers in Molalla.

For the most part, residential beekeeping rules have been adopted by cities and counties because of two major concerns. Those concerns being honeybee stings to residents and not wanting farming or commercial beekeeping operations on residential properties. In most cases, **specific residential beekeeping rules are not necessary** to address these two concerns. General nuisance codes can be used to address the few, if any, problems that might arise from residential beekeeping. However, we understand the city's desire to protect the public. Consider:

1. Honeybees have no interest in stinging humans unless they are interfered with. They seek only water and the nectar and pollen of flowering plants. Honeybees will fly

and seek flowers in the residential beekeeper's yard or on property up to two miles away. Moreover, honeybees cannot select someone who is allergic to sting over someone else. They sting only in defense of themselves or the hive (their home). Honeybees die in the process of stinging and will sting only those who are threat to them. Honeybees are not the yellow jackets or wasps and other insects that invade your picnic, barbecue or outdoor activity, and

2. As Oregon became more urban, codes/rules were adopted to ban or limit "farm animals" within city limits. Although, strictly speaking residential honeybees are not farm animals, many of those earlier adoptions, also covered all honeybee keeping, since commercial beekeeping was not wanted in urban areas. Today, nearly all of those earlier codes/rules have been updated and they now allow residential (but continue not to allow commercial) beekeeping.

Since 2018, other Oregon cities and counties have responded to the intent and requirements of House Bill 2653 (2015) and Oregon Revised Statutes (ORS) 602.045 and 602.090 (2015), by adopting or revising their residential beekeeping rules. This is in accordance with the ORS law, along with recommendations from the League of Oregon Cities and Oregon State University, that allow for residential beekeeping; under certain conditions; while continuing the prohibition of commercial beekeeping within urban areas. We would like Molalla to review the basis for and intent of other city codes as Molalla seeks to regulate bees and honeybee keeping, to best serve the interests and needs of their citizens.

For clarification if "bees" are not defined to be the honeybee Apis Mellifera in a code, the code would not only cover honeybees but other pollinators including Mason Bees and Orchard Bees (non-aggressive, cannot sting and great pollinators which supplement honeybees); Bumble Bees; fly bees and many other "bees".

When chickens, rabbits, miniature horses and pigs, Mason Bees, honeybees and other animals are kept in urban areas they are not managed as "farm animals" but as "pets" or a part of urban gardening and should and cannot be subject to the same rules that would pertain to their use as "farm animals".

We thank you for the opportunity to provide this information and are available to answer questions or provide any assistance we can.

Ralph (Mike) Rodia, PhD, Residential Beekeeping Liaison
Oregon State Beekeepers Association (OSBA)
4194-12th St. Cut-Off SE. Salem, OR 97302
503-364-3275 rrodia@msn.com

cc: Harry Vanderpool, Past President OSBA
Joe Maresh, President OSBA
Tom Cinquini, Vice-President OSBA
Richard Farrier, President Willamette Valley Beekeepers Association

Background Information Concerning Honeybees and Beekeeping

As representatives of the Oregon State Beekeepers Association (OSBA) we are concerned that there is a lack of understanding about honeybees and beekeeping. As a result cities, and counties have adopted regulations and ordinances based on in-complete understandings of **"bees"** that are detrimental to backyard gardeners as well as beekeepers. Moreover, the term "bees" refers not only to honeybees but is often used to cover non-stinging mason bees, bumblebees and wasps including yellow jackets that the public often confuses with honeybees.

To help you understand our concerns you should be aware that:

- For at least 10,000 years humans have benefited from the labors of the honeybee. Honey is the only natural sweetener that requires no further processing before use. It is the one product of insects directly usable by humans that provides a balance of sugars and other components beneficial to health. Consuming local honey can reduce allergies and it's topical application to wounds can be more effective than anti-bacterial medicines while also speeding healing and reducing scarring. Honeybee stings are used to significantly reduce the symptoms of MS.

- A properly maintained honeybee hive by a backyard beekeeper will produce upwards of 50 pounds of honey per year. This will provide enough sweetener (without the empty calories of granulated sugars) for a family and with some honey left over to share with others.

- Honeybees provide pollination for fully one-third of all the crops we eat. This includes fruits (apples, pears, cherries, etc.) vegetables (tomatoes, beans, melons, squash, etc.) berries (blackberries, raspberries, etc.), oils (canola, corn, etc.) and many more crops.

- Beekeeping is a learning experience that teaches work ethics and concern for the environment. A number of home-schooled children have been and are involved in beekeeping at home. Each year we receive numerous requests from the public for information on raising bees as they seek to lessen their dependence on highly processed sweeteners. Beekeeping becomes a family endeavor. How many of you fondly recall how your father, grandfather, uncle or other relatives raised honeybees?

- In some cases honeybees can be a problem, depending upon how the beekeeper manages them. If due concern for where hives are located with respect to a neighbor's property and if a steady supply of water (in summer) is provided, most problems can be minimized. As with other "nuisance" issues, such problems can be handled on a case-by-case basis. A ban is not necessary.

- A number of cities and counties across the country have addressed the issue of honeybees. Although in some cases bans have been enacted, in many others rules or policies have been adopted that regulate and meet the concerns of both the public and the beekeepers. We include for your reference several national and in-state- articles concerning these efforts.

- As a general rule government agencies seldom ban certain practices or products but rather regulate them. It is the nature of Federal, State and local laws, rules and codes to permit the public to exercise their judgments as to what and when to do something, unless it poses a significant threat to the public. Otherwise, most activities are regulated to minimize or eliminate dangers.

- The Cities of Salem, Medford and Gresham, Marion County and others, have reassessed their rules concerning honeybees. Rather than a ban as previously enforced through citation, these cities now permit honeybees and enforcement actions center on nuisance abatement s.

We believe that bans are unnecessary and that such regulations will not curb

OREGON STATE UNIVERSITY EXTENSION SERVICE

Residential Beekeeping

Best-practice guidelines for nuisance-free beekeeping in Oregon

Photo: Stephen Ward, © Oregon State University

Andony Melathopoulos, Ralph (Mike) Rodia, Jen Holt, and Ramesh Sagili

Introduction

Why residential beekeeping is important

Many people around the world keep colonies of honey bees in residential areas as a hobby and source of recreation, and as a way to increase backyard garden fruit and seed set. Consequently, honey bees are found everywhere, from the roofs and terraces of public buildings in high-density city cores (Figure 1) to suburban backyards. While residential beekeeping can prove extremely rewarding to the beekeeper (a single colony can produce more than 40 pounds of honey, as well as other valuable products such as pollen, propolis, and wax), it also provides considerable benefits to neighbors and the city as a whole.

Honey bees play an important role in the residential community, providing pollination for the beekeeper's property and for properties up to two miles away. As cities and towns encourage residential beekeeping and it becomes more established, the benefits increase and become integrated into a number of public services, such as educational projects, income opportunities for under-employed populations, and personal and community-building activities. Many residential beekeepers in Oregon belong to urban chapters of the Oregon State Beekeepers Association (OSBA). Through OSBA chapters, beekeepers provide outreach and education

Photo: Michael Thompson

Figure 1. Honey bees located on the roof of Chicago City Hall, operated by the Chicago Honey Cooperative

to diverse urban audiences, including making presentations to K-12 classes and staffing information tables at farmers markets, regional fairs, and public field days.

About this guide

Across the United States, some cities and towns do not permit residential beekeeping; some permit beekeeping if the beekeeper adheres to certain restrictions; and others permit beekeeping with no restrictions, provided the beekeeping does not become a public nuisance. In 2015, the Oregon legislature signed House Bill (HB) 2653 into law to address loss and/or decline of many pollinator species (including honey bees), the growth of residential/urban beekeeping, and the need to regulate it.

The intent of HB 2653 is for Oregon State University to develop guidelines for best practices that, if followed, would ensure beekeeping activities do not develop into a nuisance. The best practices guidelines would make it possible to use existing local nuisance ordinances instead of new legal restrictions for managing conflicts that arise from beekeeping in residential areas. By January 1, 2019, local governments will review and consider these best practices guidelines, along with existing ordinances, and decide whether or not to adopt new ordinances relating to residential beekeeping.

This publication outlines the guidelines for best practices. It is designed to supplement beekeeping education by making people aware of specific management practices that greatly reduce the risk of residential beekeeping turning into either a private or public nuisance. Beekeepers who follow and document the use of these practices will help address the concerns that neighbors, the public, and local government officials have about residential beekeeping activities. Public officials, the general public, and others interested in learning about honey bees can also use these guidelines as a source of information about the kinds of steps residential beekeepers can take to operate their bees in nuisance-free manner. These guidelines do not address the issue of Africanized honey bees, which have not been documented yet in Oregon. Nor are these guidelines intended to cover the management of mason bees, bumble bees, yellow jackets, or other insects. These best practices guidelines cover three broad sections:

1. Key concepts for nuisance-free residential beekeeping
2. Specific practices to reduce nuisances of residential beekeeping
3. Legal considerations for residential beekeepers and guidelines for local governments

Nuisance-free honey bee beekeeping

The legal definition of a nuisance goes beyond the everyday meaning of being bothersome. Legally speaking, an activity becomes a nuisance when a person's use of or activity on a property infringes on the rights of another person's property (private nuisance) or on the rights of the general public (public nuisance). This infringement might be anything that:

- Is considered harmful to public health, safety, or convenience;
- Impedes the ability of people to enjoy public or private property; or
- Lowers the physical condition or value of surrounding property.

Photo: Cassie Plotnikoff

Why is residential beekeeping important?

Case study: Hives for Humanity Society, Vancouver, British Columbia

The Hives for Humanity Society, founded on the east side of downtown Vancouver, British Columbia in 2012, operates in one of the most economically depressed inner-city neighborhoods in Canada. The at-risk, marginalized population living in the neighborhood is hard to reach through traditional public services, but the Hives for Humanity Society has developed programs that tap into the therapeutic capacity of working with bees to help community members develop a sense of self-worth and opportunity. The organization typically engages 65 participants across 13 locations per week and have recently developed the "Bee Space," a community center that hosts workshops and provides volunteer and employment opportunities.

Pictured: Sarah Common of the Hives for Humanity Society explains honey bee biology to visitors in an urban apiary in downtown Vancouver, British Columbia.

Photo: Andony Melathopoulos, © Oregon State University

Want to learn how to keep bees?

These guidelines are not a definitive guide to beekeeping but rather a supplement to a residential beekeeper's education. Competent beekeeping requires hands-on training and mentoring, so before purchasing bees, new beekeepers should sign up for a course or work alongside an experienced beekeeper. There are numerous private and public programs around Oregon for those interested in learning about beekeeping. These include hands-on beekeeping education through the statewide Oregon Master Beekeeper program (www.oregonmasterbeekeeper.org) and classes from providers of honey bee equipment and supplies. A listing of many other educational opportunities, including basic beekeeping classes, can be found on the Oregon State Beekeepers Association (OSBA) website (http://orsba.org).

Pictured: Taking a beekeeping class is an important precondition towards becoming a residential beekeeper.

In this sense, honey bees and beekeeping are not legally a nuisance but can become a nuisance if a person fails to manage their honey bees properly.

The recommendations in this document reflect our best understanding of honey bee biology and colony management. When followed, they will significantly reduce the risk that residential beekeeping activities will develop into a nuisance. These best-practice guidelines do not constitute hard and fast rules, as the conditions under which honey bees may become a nuisance vary, depending on a number of circumstances. Rather, when considered together, these guidelines will help beekeepers develop the skills and judgment to minimize the risk that their honey bees will interfere with a neighbor's and/or the public's right to enjoy their private and public spaces. With judgment and care, residential beekeeping is an activity that enhances everyone's overall experience of the city and its outdoor spaces.

Key concepts

The honey bee's flight path

The first consideration for practicing nuisance-free beekeeping is deciding how far a colony will be located from a neighbor's or the public's property (i.e., the amount of setback). Distance alone does not account for the honey bee's flight path; bees do not fly at a consistent height or always in straight paths. The foraging flights of honey bees begin at the colony exit/entrance. The colony can be located anywhere between ground level and the top of a building. If the colony is at ground level, the foraging honey bees typically fly to a height above that of the average person within a few feet of the exit/entrance. If the colony is elevated, the foraging honey bees will begin their forward flights above ground level. As bees travel about 10 feet from the exit/entrance, their numbers quickly thin out as they disperse in a wide area and to higher heights.

Honey bee water foraging

Water has two uses in the colony. The first is to cool the colony, and the second is to thin stored honey. Honey bees will seek out water wherever it is available, whether in a bird bath or other water feature, swimming pool, runoff, or a water source provided by the beekeeper.

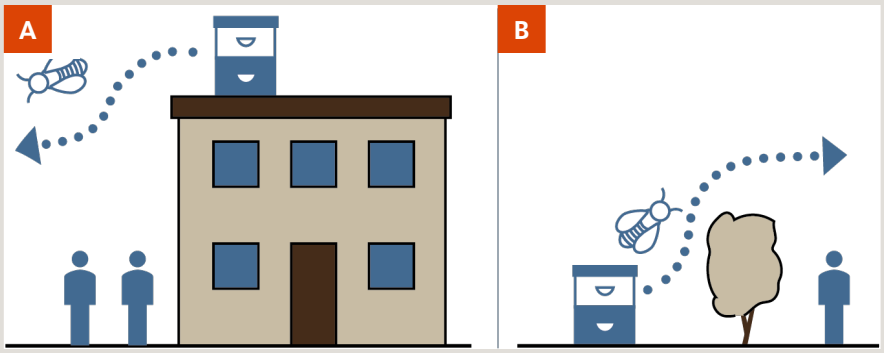
To cool the colony, bees disperse water through the colony's brood nest. Fanning (the rapid movement of the wings of many bees) at the colony entrance increases the evaporation and cooling power of the dispersed water. In the spring and summer, when daytime temperatures increase, foragers begin looking for sources of water. Unlike honey and pollen, water is not stored in the colony and must be collected when it is needed. Therefore, water demand in a colony can occur quickly in response to abrupt swings in temperature.

Water foraging to dilute stored honey is largely restricted to early spring, before the first major honey flow begins. Consequently, foraging for water to dilute nectar decreases as soon as fresh nectar becomes available.

Swarming

It is a natural process for part of a parent colony to split and relocate; however, many people become concerned when they see a honey bee swarm in flight or when they find one settled on their property (e.g., in a tree or under their house eaves). Honey bee swarms are not aggressive.

How can you direct a bee's flight path?



The flight path behavior of bees can be directed away from private and public activities so that setbacks are unnecessary or need only be minimal. This can be accomplished by either: A) raising a colony onto a roof top, balcony, or other elevated position, or B) placing obstacles (such as a hedge or lattice) in a colony's flight path.

Illustration: Iris Kormann, © Oregon State University

They are only looking for a new home and may pause temporarily in their flight before moving on (Figure 2). Using proper colony management techniques, beekeepers can decrease swarming by reducing the cues that bees use in deciding whether or not to swarm.

Although swarming is timed with the development of new queens in a colony, the triggers for a colony to swarm involve three cues: a minimum colony size of six frames of bees is reached, the colony has become congested, and the colony age structure is young because many young bees were born at once. Beekeepers can manage all three of these cues.

Defensive behavior

Studies have indicated that most people cannot identify stinging insects with certainty. When they can distinguish between them, the bulk of the stings they report are from yellow jackets or hornets. The lack of confirmed stings from honey bees is because honey bees are generally not defensive. If they exhibit defensive behavior, it is usually restricted to within a few yards of their colony and only if the colony has been disturbed.

Photo: Jen Holt, © Oregon State University

Figure 2. Honey bee swarm resting

Stings and allergies

Honey bees are only likely to sting after they become highly defensive. There are two types of reactions to being stung, a local reaction (e.g., pain, swelling, and redness) and a potentially life-threatening, systemic allergic reaction called anaphylaxis that can result in throat swelling, shortness of breath, lightheadedness, and low blood pressure. Most people experience a local reaction to a bee sting. Estimates, based on self-reported data, suggest that 0.3% to 7.5% of all insect stings result in a systemic anaphylactic reaction, with lower rates reported for children (0.15% to 0.3%) (reviewed in Biló, et al. 2005).

While anaphylaxis can prove fatal if not immediately treated by a health care professional, the incidence of insect sting-related deaths (hornet, bee, and wasp stings combined) in the United States remains very low (0.195 per million) (Forrester, et al. 2012). Deaths attributed to insect stings in northern states such as Oregon are lower than the national average (Forrester et al. 2012). Systemic reactions can also develop from other stinging insects, such as yellowjackets, hornets, and bumble bees. Since the public may not be able to differentiate these species (Ratnieks, et al. 2016), many self-reported bee stings are likely caused by social wasps (Barr 1974).

Robbing

Foraging honey bees typically fly from their colony to flowers to collect nectar and pollen and rarely visit neighboring colonies. This pattern gets disrupted in late summer and early fall when the flowers begin to fade and the foraging honey bees turn their attention to other colonies or non-floral sources of sugar (e.g., spilled sugar syrup or rotting fruit on the ground). Honey bees

What factors contribute to swarming?

Big colony:
More than six frames of adult bees

Colony congestion:
Bees confined to a few boxes

Young colony:
Many young adult workers born at once

Managing colony size, congestion, and age structure will reduce the likelihood of swarming. Although swarming is timed with the development of new queens in a colony, the triggers for a colony to swarm involve three cues: a minimum colony size of six frames of bees is reached, the colony has become congested, and the colony age structure is young because many young bees were born at once. Beekeepers can manage all three of these cues.

Left and center photos: Andony Melathopoulos, © Oregon State University; right photo: Lynae Ovinge

that rob can become defensive. In addition, the searching behavior of robbing honey bees can result in the honey bees becoming a nuisance for neighbors. Foraging honey bees will seek out weaker colonies to steal their honey, leading to a defensive response by the weaker colony, which can also result in a nuisance for neighbors. Robbing behavior is distinctive—honey bees can be seen fighting on the ground, or a frenzied group can rapidly appear if a comb of honey is left out of the colony or if syrup, nectar, or honey is spilled on the ground.

Strategic practices to reduce honey bee nuisances

Become an educated beekeeper

New beekeepers should attend a local beekeeping association's "Bee School" to learn what is necessary to manage honey bees and gain hands-on experience before receiving their packages or nucs of honey bees. Because beekeepers need to order honey bee packages or nucs, the bees may arrive before the beekeeper has had the chance to attend a course. As such, beekeepers-in-training should begin with one to two colonies until they develop their skills.

It is important for new beekeepers to become competent in handling frames in a gentle manner. This skill is rarely learned without the assistance of a hands-on mentor. Many of the regional associations of the Oregon State Beekeepers Association (OSBA), along with the Oregon Master Beekeeper program, offer mentoring opportunities that are particularly well suited to helping new beekeepers learn to work gently with bees.

Siting your apiary properly

- **Consider sun and wind exposure:** Place colonies where they will get first light and sun for most of the day. If possible, the colonies should face southeast. Windbreaks are highly desirable. If windbreaks are not possible, colony lids should be weighted with rocks or bricks (Figure 3, page 6).
- **Space between colonies:** Separate colonies so that the beekeeper can work comfortably to the side of one colony without bumping into and disturbing an adjacent colony. Adequate space between colonies will also minimize the likelihood of bees drifting between colonies.
- **Locate away from sensitive areas:** Do not locate bees directly adjacent to high traffic public areas or an area frequently used by neighbors unless the flight path has been blocked by a barrier (see "Honey bee flight path barriers," page 6).
- **Do not block emergency access:** Do not place colonies in the path emergency workers would use to access the property (e.g., a side yard).
- **Security:** Restrict visibility of the apiary and the public's access to it.
- **Provide access:** Be sure you are able to move equipment and honey bees into the apiary in a secure and safe manner. Apiaries elevated from the ground may require special considerations for sealing and securing equipment.
- **Get permission:** If you plan to put your honey bees on property that is not your own, make sure

to get the owner's permission and make them aware of any legal and liability implications.

Honey bee flight path barriers

The flight path of honey bees can be altered to reduce or eliminate people's contact with them within a few feet of the apiary. There are two ways of altering the honey bees' flight path:

- **Elevation:** Elevate the apiary to more than 10 feet above where people are (Figure 4, page 7).
- **Barriers:** Place a barrier (6 feet or higher) between the apiary and an adjoining property (Figure 5, page 7).

Photo: Jen Holt, © Oregon State University

Figure 3: A well-situated backyard apiary surrounded by tall fencing and with restricted access

In both cases, honey bees are far less likely to become defensive to activity on the other side of the barrier or at ground level and will leave the colony at a height above neighboring properties.

Solid barriers offer the most benefits, although the flight path of foraging bees is still disrupted by porous lattice walls, hedges, and other obstacles. The barrier should extend approximately 10 feet on either side of the apiary; however, this distance may need to be adjusted depending on the situation.

Number of colonies per apiary

Beginning beekeepers should restrict the number of their colonies per apiary to one to two colonies, until they are confident in managing colony defensive behavior. Beekeepers may expand their apiary as they develop experience and confidence. There are no studies that link a precise number of colonies to whether an apiary will develop into a nuisance or not. How defensive honey bees are outside of a property depends on multiple factors, such as apiary location and topography, the density of the residential neighborhood, and the density and maturity of vegetation in the area (e.g., old big trees). Experienced beekeepers should therefore add additional colonies gradually and regularly walk around the

How to manage defensive behavior in bees

There are four basic cues that cause a colony to become defensive: whether the colony is disturbed, its genetics, its age structure, and external environmental factors. As colonies become defensive, they release pheromones that recruit other honey bees into the defensive response. The key principle is that once a colony has grown defensive, it takes time to bring the colony back to its resting state.

Upper left photo: Carolyn Breece; remaining photos: Andony Melathopoulos; all © Oregon State University

Disturbance:
- Colony excessively knocked
- Opening the colony without smoke
- Vibrations around the colony

Colony congestion:
European bee stocks vary in their defensiveness. Some stocks are remarkably docile.

Colony age structure:
Colonies with older bees are more defensive (e.g., late winter, fall and queenless for a prolonged period).

Environmental conditions:
Bees are less defensive during nectar flow and with good foraging weather.

periphery of the property to assess whether the apiary has become overstocked and monitor for defensiveness.

Honey bee access to water

To prevent honey bee nuisances that arise from their need for water, create attractive alternatives to other sources of water that are not on the apiary property. Maintain access to the water source throughout the water foraging season. To create water source that is attractive to honey bees:

- **Establish the water source early:** For best results, provide the apiary water source early in the spring, before the honey bees start searching for water.
- **Maintain a water reservoir:** Never allow the apiary water to go dry during the water collection months. If this happens, the bees will seek out another source of water and may not return to the apiary water source. If this happens, the honey bees could potentially develop into a nuisance.
- **Use floats:** To prevent water-seeking honey bees from drowning, put floats or other landing objects in open pools, bird baths, tubs and other containers. Pebbles, corks and floating items of wood, straw, or plastic can be used for these platforms (Figure 6).
- **Change water:** The apiary water should be changed frequently to avoid stagnation and mosquito breeding. Changing the water may not be necessary if the apiary water source has a spigot or hose that slowly allows fresh water to drip into the source container.

Working the honey bee colony

It is important to be gentle when working with honey bees. Avoid jerky movements and jarring the colony, which could cause honey bees to become defensive and a nuisance. A beekeeper needs to use a properly lit smoker when opening the colonies, continuously applying smoke in a judicious manner until the colony is closed. Because effective use of these techniques is a cornerstone of residential beekeeping, new beekeepers should practice them under the guidance of an experienced beekeeper.

The following guidelines for working around colonies will significantly reduce a colony's inclination to become nuisance:

- **Work gently and work with smoke:** Beekeepers should learn to work colonies in a smooth manner. They should learn to light, maintain, and use a smoker from an experienced mentor (Figure 7, page 8).

Photo: Andony Melathopoulos, © Oregon State University

Figure 4: Example of how elevating an apiary above a very public courtyard (at Oregon State University) can alter the flight path of foraging bees in such a way that their flight path does not interfere with foot traffic at ground level

Photo: Jen Holt, © Oregon State University

Figure 5: Example of extensive use of flight barriers (shown here, a fence and tall vegetation) altering the foraging bees' flight path so that the path is dispersed by the time the bees reach the property line. The fence and vegetation also conceal the apiary from passersby and restricts access to the apiary.

Photo: Moris Ostrofsky

Figure 6: Example of a water source that includes a rock that allows bees to access the water without drowning.

Photo: Lynae Ovinge

Figure 7: A well-lit smoker is a key feature of working colonies. Colonies should be smoked before opening and periodically smoked during the course of the colony operation.

- **Close colonies:** The lid on a colony should not be left off for more than 10 minutes. If the beekeeper is called away by another task (e.g., answering the phone) they should always close the colonies before tending to that task.
- **Close up when colonies become defensive:** If the beekeeper is working with multiple colonies and notices heightened defensiveness, they should close the colony they are working on and discontinue working any of the colonies for the rest of the day.
- **Arrange colonies in the apiary:** Colonies should be arranged so that the beekeeper can work at the side or back of the colony (i.e., not in the honey bee foragers' flight path) and without bumping adjacent colonies (Figure 8, page 9).
- **Work when people are absent:** Beekeepers should not work colonies when people are within 10 feet of the colonies, unless they are wearing protective beekeeping equipment, behind a barrier or well below an elevated apiary (see section above "Honey bee flight path barriers", page 6).
- **Work bees when they are flying:** Beekeepers should work honey bees between mid-morning and mid-afternoon, when most of the foragers are away from the colony and busy gathering nectar and pollen. They should avoid opening colonies at dawn or dark.
- **Stay out of colonies in poor weather:** Beekeepers should not work colonies during adverse weather (e.g., cool and damp weather or when a storm is coming).
- **Stay out of colonies during nectar dearth:** Beekeepers should avoid or minimize working bees during a nectar dearth (i.e., shortage of available nectar from blooming plants). See "Robbing", page 4. If it is absolutely necessary to work colonies, beekeepers should limit these entries to days with cooler weather.
- **Requeen defensive colonies:** If a colony is particularly defensive, beekeepers should replace the queen (queens are generally available for purchase from April to July).

What is the difference between a local reaction and an allergic reaction to a bee sting?

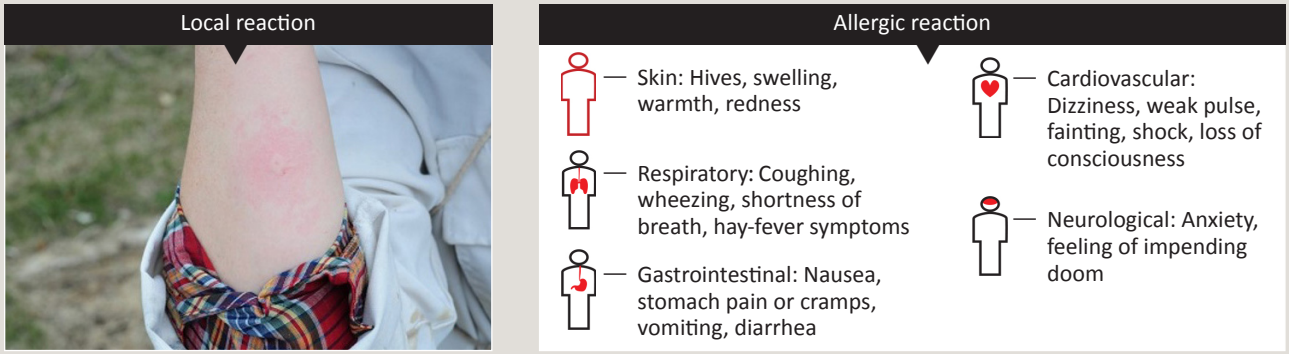


Photo: Graham Parsons

Following a sting, people may experience one of two reactions. A local reaction will hurt and results in itching, swelling, and redness in the immediate area around the sting. Depending on how much venom was injected and the location of the sting, the local reaction can result in excessive swelling, but the swelling generally peaks within 24 to 48 hours. In contrast, anaphylaxis affects general body systems resulting in hives across the skin, difficulty breathing, cramps, nausea, loss of consciousness and, if left untreated, can result in death.

- **Extract honey:** Bees should be separated from honey supers in a way that prevents them from becoming defensive. Honey bee escapes provide one of the best options for residential beekeepers to remove honey (Figure 9). Beekeepers should avoid removing honey bees by blowing them from the colony using a powered "bee" or leaf blower; this greatly disturbs the colony. Gently shaking and brushing honey bees from comb is acceptable, but it can be a slow process and may result in the colony becoming defensive.
- **Avoid mowing grass around colonies:** Honey bees can become particularly defensive when lawn is cut within a few feet of the colonies, particularly if the cutting is done with an electric or gas-powered trimmer or edger. Beekeepers should use less disruptive methods for lawn management in the apiary and consider cutting grass around colonies as close to dusk as possible.

Robbing and beekeeping equipment storage

Properly storing comb, colony boxes, and unused frames with wax foundation helps reduce the risk that honey bees will develop into a nuisance. Good storage practices restrict bees' access to equipment and help ensure it does not attract honey bees and other stinging insects outside the apiary site, which can become a particular problem when honey bees stop foraging and begin robbing. Robbing frequently coincides with the removal of honey supers late in the season. As highlighted below, colonies should be worked sparingly after colonies begin to rob.

The following guidelines will significantly reduce honey bee attraction to stored equipment and robbing:

- **Store equipment in a building that excludes bees:** Outdoor equipment storage should not be used except as a temporary measure and never when bees are robbing.
- **Limit exposure of comb:** Beekeepers should avoid working colonies when bees are robbing. If the beekeeper has to inspect a colony, exposure should be minimized by carefully covering exposed comb with moist burlap or a hive cover.
- **Dispose of wax and debris:** Pieces of wax that are removed from colonies should be taken from the bee yard and stored. Failure to do so may attract pests, such as skunks, that will attack the colony, eat honey bees, and cause the colony to become very defensive. Clean the ground around the colony after working the colonies by removing and placing wax pieces and other debris in a bucket, and then sealing and relocating the bucket away from bee access at the end of the day.
- **Avoid open-feeding of bees:** The bulk outdoor feeding of sugar syrup involves filling a bucket, barrel, stock tank, or other container with sugar syrup and providing the bees with a float (out of wood, straw, or other material) to stand on when accessing the sugar syrup. This practice is strongly discouraged for the residential beekeeper; using internal feeders is a better approach. In addition, Boardman-style feeders that fit into the colony's bottom board should be avoided when colonies begin robbing; these feeders

Photo: Jen Holt, © Oregon State University

Figure 8. Colonies should be arranged in the apiary to enable the beekeeper to work with without bumping adjacent colonies or standing in the colony flight path.

Photo: Geoff Wilson

Figure 9: A bee escape is placed between the supers and brood chamber and allows honey harvest with minimal disruption. Although there many designs, all include some form of one-way valve (red cones in this image) that cause the bees to empty from the supers into the brood nest over the course of a day.

Photo: Jen Holt, © Oregon State University

Figure 10: An entrance reducer allows bees to defend their entrance, reducing overall colony defensiveness during periods of robbing.

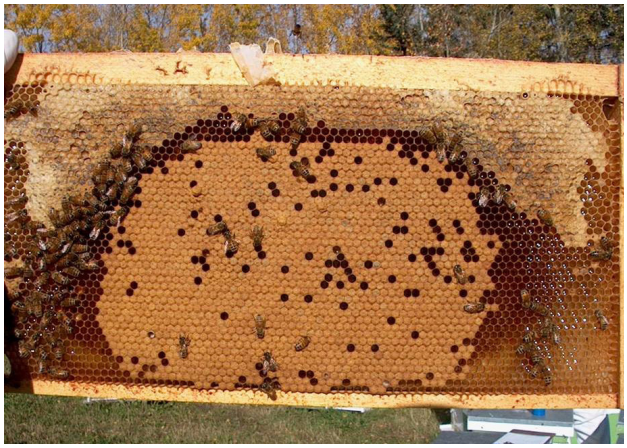


Photo: Andony Melathopoulos, © Oregon State University

Figure 11. When brood chambers form a "crown" of honey across the top of the frames it can slow the movement of surplus honey up to the supers, particularly when a queen excluder is being used. If "crowning" occurs, brood chambers need to be reversed and colonies supered.

Photo: Jen Holt, © Oregon State University

Figure 12. Advanced swarm queen cells that will be capped within 1 to 2 days. Queen cells associated with swarming typically form on the edges of the comb, often on the bottom bars of the comb. Prior to a swarm, there will be around a dozen or more cells present.

are easily accessed by bees from other colonies, as well as by yellowjackets and hornets.

- **Ensure syrup feeders do not leak:** Feeders should not leak syrup. If they leak, the sugar syrup needs to be cleaned up promptly by diluting it with water to avoid robbing. The feeders should be removed and repaired or replaced.
- **Reduce robbing during honey harvest:** After removal from the colony, honey supers should be quickly covered and placed out of reach of foraging honey bees.
- **Reduce robbing by reducing entrances:** Robbing by other colonies can be curtailed significantly by reducing the size of colony exit/entrances to make it easier for colonies to defend themselves (Figure 10).

Honey bees and skunks

Skunks are insectivores and are one of the few species of rodents that will eat live honey bees at the entrance of the colony. Skunks are an issue for nuisance-free beekeeping. When a skunk disturbs a colony (usually in the evening) and eats the responding honey bees, the colony will be more defensive for the next few days.

It is easy to detect whether a skunk has been visiting an apiary. Skunks typically scratch at the exit/entrance of the colony as a way to locate the weaker colonies and draw the honey bees out. Consequently, exit/entrances and areas in front of the colony are usually muddied or will have visible scratch marks. One might also notice that grass in front of the colony is torn up because skunks may roll around in the grass after being stung.

If a colony is being visited by skunks, the best defense is to elevate the colony off the ground by at least a foot, or to install nail beds or chicken wire guards around the front of the colony. These devices dissuade skunks because their underbellies and paws are very sensitive. Raising colonies at least a foot off the ground also exposes the skunk's belly to stings as they reach for the colony entrance.

Preventing honey bee swarm

To prevent colonies from taking the initial steps towards swarming, beekeepers should:

- **Super colonies early:** Beekeepers should place honey supers on top of brood chambers well before the main nectar flow. Moreover, beekeepers should monitor the filling of the super and create additional honey storage space (supers) before the existing super(s) are approximately two-thirds full of honey.

- **Reverse brood chamber if brood nest is honey-bound:** If the upper brood chamber of a two-chamber brood nest has become honey-bound (filled with honey), then the brood chamber boxes should be reversed before adding any additional super boxes (Figure 11, page 10).
- **Split colonies in the spring:** When the colony is particularly strong and contains large numbers of young bees, the colony should be split before adding additional supers.

Honey bee swarm control

When swarm cells appear, the colony is at high risk of swarming (Figure 12, page 10). The removal of queen swarm cells may not be sufficient to prevent a swarm, as the colony will produce new queen swarm cells, and some of these cells may be located where the beekeeper cannot see them. In this situation, the colony will have to be significantly reduced in size by splitting off and moving at least half of the sealed brood and bees and replacing the frames with undrawn foundation.

Queenless colonies/requeening

Ideally, new or replacement honey bee queens should be selected for gentleness. This will minimize defensive/stinging behaviors directed at the beekeeper as well as at neighbors and the public. If a colony has become unusually defensive and is at risk of becoming a nuisance, the beekeepers should:

- **Move the colony:** The colony should be moved to a location with a lower risk of interacting with neighbors or the public.
- **Requeen:** Kill the original queen and replace her with a new queen within 24 hours.

Colonies that become queenless are often more defensive as they gradually become populated with older bees. Colonies may lose queens in a number of different ways, including when queens are accidentally crushed by the beekeeper during colony inspection, when they die of old age or disease, or are superseded. Supersedure is a process when the workers decide that the queen is not productive enough and they replace her (Figure 13). Queenless colonies are easily identifiable by emergency queen cells that are added to the face of brood frames within 1 to 2 days of the queen being lost and by the absence of newly laid eggs within 4 days of the queen being lost. If the colony fails to produce a new queen, it will not rear a new queen (such a colony is termed "hopelessly queenless"). A hopelessly queenless colony becomes very defensive and is difficult to requeen. For this reason, it is important to identify queenless colonies early. Requeening can sometimes be difficult; new beekeepers should consult a more experienced beekeeper before proceeding.

Photo: Jen Holt, © Oregon State University

Figure 13: Sealed supersedure or emergency queen cells that indicate either the death of the queen or a poor-quality queen. Unlike swarm queen cells, emergency or supersedure queen cells are typically located on the face of the comb and will be few in numbers (i.e., one to three cells in the case of supesedure).

Photo: Jen Holt, © Oregon State University

Figure 14: Residential beekeepers should be prepared to answer neighbors' questions about bees, as it can be an excellent opportunity to educate the public.

Legal considerations for residential beekeepers and guideline for local governments

Honey beekeeper-neighbor interactions

Unless the apiary is located in an isolated area, beekeepers should to talk with neighbors about their residential apiary. In many cases, talking with neighbors about beekeeping before or soon after setting up an apiary helps avoid misunderstandings. However, in some situations, beekeepers may decide that it is best to wait and respond to neighbors' questions as they arise. Whichever the case, talking with neighbors should be viewed as an opportunity for beekeepers to provide information about the benefits of honey bees and describe the steps they plan to take to ensure their bees do not become a nuisance (Figure 14). In these situations, it is also important that beekeepers listen carefully to their neighbors' concerns and be prepared to provide

well-researched, objective responses. Beekeepers should be prepared to respond to concerns around stinging and refer their neighbors to materials that:

- Show the difference between social wasps and honey bees, as the nuisance may be wasp- rather than honey bee-related
- Provide options for dealing with social wasps (yellowjackets and hornets)
- Outline the differences between a temporary localized reaction and a systemic allergic reaction (anaphylaxis) to stings, and explain the low incidence of anaphylaxis in the population and steps they should take if they are stung

Moreover, beekeepers should be prepared to discuss the benefits of beekeeping in the city. These benefits can be most directly conveyed by making sure neighbors receive a jar of fresh honey from the apiary or pointing out how honey bees pollinate many backyard garden plants, particularly fruit trees and berry bushes. Beekeepers should also anticipate that neighbors will be curious about honey bees. Honey bees are fascinating creatures and have received considerable media coverage in recent years, so beekeepers should make sure to take the time to answer neighbor and neighborhood questions about bee biology and beekeeping. There are many examples of residential beekeepers who become an important community connection to the natural world and agriculture, particularly when the beekeeper communicates openly with neighbors and is diligent in ensuring their bees never develop into a nuisance. As the relationship between neighbors and the residential beekeeper matures, beekeepers will find that neighbors will develop a sense of ownership of the apiary and will, for example, keep an eye out for any potential vandalism of the colonies.

Residential beekeepers should also make sure that they are protected against any damage their honey bees cause to a third party. Not all home insurance policies cover damages associated with residential beekeeping, so the beekeeper should understand their coverage before setting up an apiary.

Honey bee public education/service

Beekeepers should keep their eye out for local opportunities to answer public questions about honey bees, beekeeping, and pollination, particularly at farmers markets, summer festivals, and with school groups. Begin education with immediate neighbors and then expand your outreach, as time permits. The Oregon Master Beekeepers Program trains volunteers who can help beekeepers prepare for education and outreach events and who are also available to talk to neighborhood and community associations and local schools.

Honey bee swarm collection

An important element of neighbor-beekeeper relations is that the beekeeper responds promptly and sympathetically to calls about swarms. Beekeepers should not assume that their neighbors know about swarms and should be prepared to address concerns with reference to swarm biology (i.e., how swarming is the way honey bees reproduce, that swarms are not defensive, and that they are transient and will soon move to another location). The process of swarm collection can be complicated, and swarms in residential areas sometimes land in extremely awkward or difficult places for removal. Catching a swarm can turn into a nuisance if the beekeeper does not know what they are doing or they are not prepared with the right tools for the removal or both. It is advisable that a new residential beekeeper first watch a mentor collect a swarm. If the beekeeper is unable to capture the swarm, they should contact the closest regional Oregon State Beekeeper Association (http://orsba.org) chapter as they typically maintain a listing of beekeepers willing and qualified to remove swarms. Some of these volunteers have extensive experience and are able to, if needed, remove honey bee swarms from nearly any location.

The inexperienced residential beekeeper should maintain a list of the beekeepers located nearby who are prepared to remove swarms. In many cases, local beekeeping clubs will already maintain a list of experienced beekeepers who can do this. The residential beekeeper could refer a call for swarm collection to one of the listed beekeepers or go with them or both, if it is the inexperienced beekeeper's first time to colony a swarm.

Beekeepers, whether members of the OSBA, its regional associations, or the Oregon Master Beekeeper Program can provide assistance, in most cases without charge, to other beekeepers, the public, and governmental agencies and officials to remove and relocate honey bee swarms that have settled, even temporarily, at an unacceptable site. These beekeepers can be contacted by phone or email through lists maintained by municipal police, fire departments, utility companies, Extension agents, and others. In addition, the OSBA and the Oregon Master Beekeeper Program will provide a list, by local area, of the experts in cities, towns, and counties.

Registration of honey bee colonies

All beekeepers who manage five or more colonies (not including nucs) within the state during the last year are required to register with the Oregon Department

of Agriculture (ODA). The registration fee is $10 plus 50 cents per colony, due by June 1 of the current year. There is no grace period, but registration after July 1 of the current year requires a $20 registration fee plus 50 cents per colony. The registration is for one year and must be made with the ODA each year.

In the past, only those beekeepers engaged in commercial pollination services were required to register. The funds collected by the ODA went into the agency's general operation budget. A new addition to the fee law (ORS Chapter 602) and rules adopted in 2015 require that the registration funds be spent on pollinator research that is predominantly focused on honey bees.

The residential beekeeper with more than five colonies should not ignore the law; it is a legal requirement and has benefits. For instance, registration demonstrates a beekeeper's diligence should a legal issue arise. In addition, the registrant will receive notifications from the ODA on matters relating to honey bee beekeeping, such as the registration of new mite control agents.

State registration can be completed on the ODA website (https://apps.oregon.gov/sos/licensedirectory/licensedetail/606) or by downloading and mailing the form to the ODA. Beekeepers can request a hard copy of the application by calling the ODA Pest Prevention and Management Program at (503) 986-4636.

As permitted by Oregon Revised Statues (ORS) Chapter 602.045(2) and 602.090, a local government may charge a reasonable fee for registering colonies in residential areas. That fee may not exceed that charged by the ODA. Although very few local governments charge a registration fee, beekeepers should be aware of this possibility and that it is separate from state registration.

What to do if the residential beekeeper is cited:

- **Provide documentation of having followed these best practices guidelines:** The beekeeper should keep good records of all colony management activities, including robbing and swarming prevention techniques. The records may help the beekeeper demonstrate due diligence in the event of being cited for a nuisance violation (Appendix 1, page 15).
- **Get assistance:** Unless the beekeeper is clearly in violation and the cited ordinance is reasonable and in accordance with these best practices guidelines and ORS Chapter 602, the beekeeper should contact the OSBA. The OSBA will guide the beekeeper through the citation process.
- **Assess the cause of the nuisance and mitigate it:** The beekeeper should work with the OSBA and law enforcement to determine the cause of the nuisance and take steps to prevent further nuisance through mitigation measures (e.g., if bees have become defensive because of skunks, install skunk exclusion devices and reassess the bees' defensiveness to see if it has been reduced).
- **Appeal the citation:** It is important that the beekeeper know that the issuance of a citation or notice of violation, with or without the imposition or threat of a penalty, is usually a civil proceeding and can be appealed. It is not a criminal process, and there is no threat of jail time. Enforcement officers must be able to justify any citation they issue, and the beekeeper has a right to contest the citation and the justification. An appeal or contest starts by meeting with the enforcement officer or their supervisor or both to see if the issue can be resolved. In some cases, because of the way the ordinance is written or interpreted, it may not be possible to resolve the issue at this level. If it becomes necessary to advance beyond the level of meeting with an enforcement officer (e.g., city council), the OSBA will take the lead.
- **Work through existing channels:** If the beekeeper receives a citation, they should not make a major protest that involves friends and the press. The beekeeper should recognize that municipal government and officers are doing their best to serve the public and may have little or no background with honey bees.

Glossary

Africanized honey bees: An aggressive tropical race of honey bees that originated from Africa but were introduced to and have expanded through South and Central America, Mexico, and a number of southern U.S. states. The range of Africanized bees does not extend to Oregon.

Apiary: The place where honey bee colonies are located. An apiary is not defined or limited by acreage or lot size.

***Apis mellifera*:** The species name (which is Latin for "honey-producing bee") for honey bees. It is the only species among the 500 different species of bees in Oregon that produces a surplus of honey.

Bee: Four-winged insects that are often covered in dense hair and meet all their dietary needs from the nectar and pollen from flowers. There are over 500 species of bees in Oregon, and many of them live naturally in cities. Bees are frequently confused with yellowjackets and hornets.

Brood: The common term for the immature stages of honey bees (e.g., eggs, larvae, and pupae). Capped brood refers to pupae covered by a dome-shaped wax covering.

Brood chamber: Any box that primarily contains the queen and frames of brood. A colony typically has one to two boxes. Different from a super (see below) that is used for honey collection.

Colony: A group of honey bees typically consisting of a single queen (a fertile female), thousands of worker bees (sterile females), drones (males) and brood (immature bees of any sex). The colony is the smallest management unit. In the movable-frame system, the nest may consist of multiple boxes of frames stacked vertically. Frequently used interchangeably with the term hive (see below).

Comb: A collection of hexagonal wax cells typically built along a plane, which houses honey, pollen and/or brood. In the movable-frame system, comb is synonymous with the term frame (where a single unit of comb is equivalent to a frame).

Flight path: The route taken by foraging worker honey bees to and from the colony to gather water, flower nectar, pollen, or propolis.

Foraging honey bees: The older adult, worker honey bees that search for and gather food (e.g., nectar or pollen), propolis, or water.

Hive: A container or collection of boxes for housing honey bees. Typically, a human made box with movable frames, but a hive can occur naturally in a tree or other cavity.

Nucleus colony: A small colony that only contains a few thousand honey bees and a queen. A beekeeper uses a nucleus colony to replace a lost colony, strengthen a weak colony, or add a queen to a colony that has lost its queen. It is not considered a production colony and is often referred to as a nuc.

Package: A screened box filled with worker bees and a caged queen (typically shipped in April and May from a southern state, such as California, to Oregon) that is used to start a new colony.

Pollination: The transfer of pollen from flower to flower that typically results in the fertilization of an ovule. Honey bees assist in this transfer as they forage, and many native and garden plants will not yield fruit or produce seeds without honey bee visits.

Production colony: A colony capable of providing pollination services for fruit or seed production or for producing honey, propolis, beeswax, or other bee products.

Robbing: The process by which honey bees collect (steal) honey from colonies other than their own, from frames of extracted honey, or from spills of sugar syrup or honey. They then transfer the stolen honey to their own colonies.

Super: In most movable-frame systems (not including top-bar colony systems) the super is the box or boxes containing frames used for storing honey and is typically placed above the brood chamber.

Supersedure: The process by which a honey bee colony naturally replaces the resident queen by rearing new queen cells.

Swarm: A collection of honey bees from a colony that has divided. A swarm contains a queen and 30 to 70 percent of the workers, all of which have left the colony to start a new colony elsewhere.

Swarm cells: Prior to swarming honey bee colonies will rear new queen cells, which look distinct from the cells containing work or drone brood.

Resources

An updated list of resources on residential beekeeping, as well as a PDF version of these best-practice guidelines are available online at http://residentialbeekeeping.org

Key websites

Oregon Bee Project: oregonbeeproject.org

Oregon Department of Agriculture, Bees and Apiaries: www.oregon.gov/ODA/programs/IPPM/InsectsSpiders/Pages/BeesApiaries.aspx

Oregon Master Beekeeper Program: extension.oregonstate.edu/mb/

Oregon State Beekeepers Association: orsba.org

Oregon State Beekeepers Association (local branches): orsba.org/branch/

Oregon State University Apiculture Program: honeybeelab.oregonstate.edu/

Oregon State University Residential Beekeeping: http://residentialbeekeeping.org

Beekeeping classes and workshops

Oregon Master Beekeeper Program: A comprehensive beekeeping training program that is a collaboration between Oregon State University and the Oregon State Beekeepers Association. The program includes beginner (Apprentice), intermediate (Journey) and advanced (Master) levels that also includes pairing new beekeepers with experienced mentors. See http://extension.oregonstate.edu

Oregon State Beekeepers Association (OSBA): Regional chapters of the OSBA frequently host "Bee School." A

(Continues, page 16)

Appendix 1. Residential Beekeeping Record (example)

Date: _____ Apiary: _____ Time of Work: _____

Conditions:
❑ Sunny
❑ Partly cloudy
❑ Overcast
❑ Windy
❑ Drizzle

Temperature: _____ °F

Water source:
❑ In place ❑ In place, needs to be refreshed ❑ Absent

Number of colonies in the apiary: _____ producing colonies; _____ nucleus colonies

Colonies that are unusually defensive:_____ ; Colonies that are queenless:_____

Colony congestion:
❑ Honey crown forming in broodnest
❑ Nectar flow
❑ Many frames of sealed brood
❑ Active swarm queen cells seen

Robbing: ❑ None, ❑ Moderate, ❑ Strong

Actions taken:
❑ Water source installed
❑ Water source refreshed
❑ Supers placed on colonies
❑ Brood nest reversed
❑ Colonies split
❑ Wax debris, comb or syrup cleaned up or properly stored
❑ Defensive colony moved out of the apiary
❑ Queen ordered to replace defensive colony
❑ New queen installed into defensive colony
❑ Newly installed queen accepted and laying eggs
❑ Entrances reduced

Notes:

listing of upcoming classes is available on the OSBA website: https://orsba.org/events/categories/class/

Private Classes: A number of private organizations also offer beekeeping classes. These include beekeeping supply companies, local community organizations, and local beekeepers.

Beekeeping instructional books

Canadian Best Management Practices for Honey Bee Health. Bee Health Roundtable: http://www.capabees.com/canadian-best-management-practices-for-honey-bee-health/ 2016

The Beekeeper's Handbook Alphonse. Avitabile and Diana Sammataro, Cornell University Press, 2006

The Backyard Beekeeper: An Absolute Beginner's Guide to Keeping Bees in Your Yard and Garden. Kim Flottum, Quarry Books, 2010

Beekeeping instructional videos

An Introduction to Beekeeping. Bee Informed Project (2014)

Equipment Description: https://www.youtube.com/watch?v=HaIidPJMJus

Opening Colonies: https://www.youtube.com/watch?v=NXwVbXKtlNY

Honey Bees and Beekeeping (1993), University of Georgia (25-part series) https://www.youtube.com/playlist?list=PLMne7FXm7S4X1hTXMal4VYtusCkf0Ag0g

Beekeeping and the law in Oregon

Oregon Legislature House Bill on Residential Beekeeping Guidelines (2015): https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2653

Registering colonies with the Oregon Department of Agriculture (5 or more colonies): https://apps.oregon.gov/sos/licensedirectory/licensedetail/606

Beekeeping supplies

Bridgetown Bees: www.bridgetownbees.com

GloryBee (Eugene): glorybee.com

Ruhl Bee Supply (Wilsonville): www.ruhlbeesupply.com

Nectar Bee Supply at Shonnard's Nursery, Florist and Landscape (Corvallis): www.shonnards.com

Oregon Bee Store (Eagle Point): oregonbeestore.com

Information for homeowners

Inviting Bees to Your Property: No Fear of Stings. Pollinator Partnership

Common Stinging Insects: Wasps and Bees (Bulletin 248). University of Maryland Extension

Homeowner Guide to Yellowjackets, Bald-Faced Hornets and Paper Wasps (Bulletin 852). University of Idaho Extension

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Andony Melathopoulos, pollinator health Extension and assistant professor; Jen Holt, Master Beekeeper Program coordinator; and Ramesh Sagili, associate professor; all of Department of Horticulture, Oregon State University; and Ralph (Mike) Rodia, Oregon State Beekeepers Association

The authors would like to extend their greatest appreciations to the members of the committee who contributed their time and efforts towards the development of these best practices guidelines. The members include: Max Kuhn; Raine Lee Ritalto; Joe Maresh; Sarah Red-Laird, MS; Dick Temple; Fred Van Natta and Harry Vanderpool. We thank Rita Ostrofsky for feedback on an advanced draft and Rosanna Mattingly for extensive proof reading. A very special recognition extends to Raine Lee Ritalto because, without her concerns and committed efforts to address the issues of residential beekeeping, these best-practice guidelines would not exist. Her efforts led to the 2015 adoption of House Bill 2653 and the subsequent codification of residential beekeeping into Oregon law.

Published February 2018.

MODEL

League of Oregon Cities

Model Residential Beekeeping Ordinance for Oregon Cities

JUNE 2018

Last reviewed by LOC attorneys April 2023

FOREWORD

Backyard beekeeping occurs throughout many local communities across the state. Municipal regulation of beekeeping practices ranges from outright bans to unrestricted allowance. The more recent trend is towards the latter.

In 2015, the Oregon Legislature passed HB 2653 to address the growth of residential beekeeping. Oregon State University Extension Service was tasked to develop guidelines for residential beekeepers,[1] that "if followed, would ensure beekeeping activities do not develop into a nuisance."[2] These guidelines were published in 2018 and are "designed to supplement beekeeping education by making people aware of specific management practices that greatly reduce the risk of residential beekeeping turning into either a private or public nuisance."[3]

In addition, HB 2653 required all cities to review their regulation of residential beekeeping using the guidelines to help direct any policy changes. There was not a requirement that new regulations be adopted, only that cities best reflect the needs of their communities. Cities have either opted to not institute regulations or have relied on their current nuisance ordinances instead of a separate beekeeping ordinance. When a city is interested, the Oregon State Beekeeper Association is available to discuss the guidelines with the city and residents (www.orsba.org).

In response to requests from League members for guidance on developing ordinances to address the rise of residential beekeeping, this model ordinance is intended to balance the ability of residents to responsibly manage their backyard bee colonies with a city's role in preventing and mitigating potential nuisance. Honeybees, while non-aggressive, are for the most part wild animals, and strict compliance with any model ordinance or best practices guidelines may not guarantee the prevention or elimination of all problematic situations. For this reason, cities should be aware that a "one size fits all" approach to beekeeping may not be appropriate and are encouraged to work with their local beekeepers to maintain proper apiary management techniques and remediate community complaints and concerns.

DISCLAIMER

Any model document provided by the League is intended to be used as a starting point in an individual city's development of its own documents. Each city is unique, and any adopted document or policy should be individually tailored to meet a city's unique needs.

This model is not intended as a substitute for legal advice. Cities should consult with their city attorney before adopting a beekeeping ordinance to ensure that the ordinance submitted complies with all aspects of federal, state, and local law.

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[1] Available at: https://catalog.extension.oregonstate.edu/em9186/html (last visited April 10, 2023).
[2] Oregon State University Extension Service, *Residential Beekeeping: Best-Practice Guidelines for Nuisance-Free Beekeeping in Oregon* p. 2 (February 2018; reviewed January 2022).
[3] *Id.*

MODEL BEEKEEPING ORDINANCE

SECTIONS

[Insert your City's Ordaining Clause, e.g., *"The People of the City of _____ ordain as follows"*]

Section 1. Purpose. The purpose of this ordinance is to establish certain requirements for beekeeping within the City and to avoid issues which might otherwise be associated with beekeeping in populated areas.

Section 2. Definitions.

A. "Apiary" means the place where bee colonies are located.

B. "Applicant" means the person applying for a residential beekeeping permit.

C. "Bees" means honey-producing insects of the species *apis mellifera* commonly known as honeybees.

D. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.

E. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

F. "Colony" or "colonies of bees" refers to any hive occupied by bees.

G. "Flight path" means the route taken by bees to and from the colony to gather water, nectar, pollen, or propolis.

H. "Hive" means a container or collection of boxes for housing honeybees.

I. "Lot" means a contiguous parcel of land under common ownership.

J. "Nucleus colony" means a small colony that only contains a few thousand honeybees and a queen that is used primarily to produce new queens or workers for the purpose of starting a new colony or adding to an existing colony.

K. "Robbing" means the process by which bees collect honey from colonies other than their own, from frames of extracted honey, or from spills of sugar syrup or honey

L. "Swarm" means a collection of bees from a colony that has divided and is seeking to start a new colony elsewhere.

Section 3. Permit Required.

A. Every person who owns or is in charge of one or more colonies within the City, shall register with the City and hold a permit for beekeeping.

B. The registration runs from June 1 to May 31 and must be renewed each year.

C. The registration fee for apiaries consisting of five (5) or more colonies is $10 per application plus $.50 per colony. There is no registration fee for apiaries consisting of less than five (5) colonies.

D. Each beekeeper shall comply with all Oregon Department of Agriculture registration requirements.

E. Renters must provide written approval from the property owner.

Section 4. Apiary Location.

A. Apiaries must be managed in the interests of ensuring that they do not become a nuisance to neighbors and the public.

B. Fight paths shall be managed by:

1. Establishing and maintaining a flyaway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the lot line and extends ten feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the lot lines in the vicinity of the apiary;

2. Elevating the apiary to a height of ten feet or more above ground level;[4] or

[4] A city should verify that this 10-foot allowance complies with any applicable height standards in the city's development codes.

3. Other means to prevent flight paths from interfering with neighbors and the public.

C. Apiaries must comply with all other City accessory structure standards and setback requirements that may apply.

Section 5. Standard of Care.

A. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the months of March through October.[5]

B. Colonies shall be maintained in hives with adequate space and management techniques to prevent overcrowding.

C. All hives shall be kept in sound and usable condition.

D. Each beekeeper shall ensure that no bee comb, wax or other materials that might encourage robbing or predators are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall properly be disposed of in a sealed container and relocated away from bee access.

E. Beekeepers are encouraged to keep records of all colony management activities taken in accordance with any best-practice guidelines issued by Oregon State University Extension Service or recommendations by the Oregon State Beekeepers Association.

F. Beekeepers are encouraged to speak with neighbors regarding their apiaries to address concerns and avoid misunderstandings.

G. Beekeepers are required to respond immediately to remediate nuisance conditions including but not limited to hive placement or bee movement that interferes with pedestrian traffic or persons residing on or adjacent to the apiary premises.

Section 6. Approval, Denial, and Revocation.

A. The city may grant a permit pursuant to this section only after the applicant has met all requirements provided in this ordinance.

B. The city may deny or revoke a permit upon finding that:

1. The applicant or permittee fails to comply with the standards of care provided in this ordinance and/or standards of care developed by the Oregon State Beekeepers

[5] March to October is intended to encompass the period of time where honeybees forage for sources of water. Foraging occurs in the spring and summer, when daytime temperatures increase. A city should determine, based on its geographic location and climate, when local honeybees are foraging and amend this time period as appropriate.

Association and Oregon State University Extension Service.

2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the application, related material or permit;

3. The permitted activity would endanger property or the public health or safety;

4. The permitted activity is determined to be a nuisance pursuant to law.

Section 7. Violations and Penalties.

A. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provision of this ordinance, or when necessary to investigate an application, or revocation of a permit under any of the procedures prescribed in this ordinance, officials for the enforcement or administration of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure used for beekeeping, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the city will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

B. Violations.

1. Failure to Hold a Valid Permit. Any beekeeper who fails to hold a valid permit may be punished by a fine not to exceed $100 per day.

2. All Other Violations. If after an investigation and officials for the enforcement of administration of this ordinance determine that provisions of this ordinance have been violated, the City Administrator may issue a citation, but only if a written warning has been issued to the beekeeper by the City within the previous 365 days. A warning shall be served upon the beekeeper responsible for the condition or violation by personal service or by first class mail, addressed to the beekeeper's last known address. If the address of the beekeeper is unknown and cannot be found after a reasonable search, the warning may be served by posting a copy at a conspicuous place on the property where the violation occurred. If a warning is directed to the beekeeper who is not the owner of the property where the violation is occurring, a copy of the warning may be sent to the owner of the property. The warning is effective on the earliest date of: the date of personal service, the date of posting, three days after mailing by the City, or the day the notice is actually received. Any person found in violation of any of the provisions of this ordinance may be punished by a fine not to exceed $100 for any one offense, with each day constituting as separate offense.

C. Compliance with this ordinance may be offered in:

1. A proceeding alleging that a given colony constitutes a nuisance, as evidence of the beekeeper's efforts to abate any proven nuisance; or

2. A proceeding alleging that a given colony violates applicable ordinances regarding public health and safety, as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Oregon.

D. Legal Proceedings by City Attorney. In addition to enforcement provisions of this ordinance, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this ordinance.

Section 8. Appeal. In the event an application for a permit under this ordinance is denied or revoked, or in the event a fine is assessed, the applicant, permittee, or beekeeper shall have the right to appeal.

A. The written notice of appeal to the City Council shall be filed with the City Administrator within fifteen days after the permit denial or revocation.

B. The City Council shall hear and make a determination in regard to the appeal at its next regular meeting immediately following the filing of the notice of appeal.

C. The decision of the City Council on appeal shall be final and conclusive.

Section 9. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

Sections 10. Savings Clause. A prosecution that is pending on the effective date of this ordinance and arose from a violation of an ordinance repealed by this ordinance, or a prosecution started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined as if the ordinance had not been repealed.

Section 11. Effective Date. This ordinance is effective on _____.

November 6, 2019

So Why Have Residential Beekeeping Rules in Oregon?

To Protect the Public?

There have been very few issues, over the last 30 years, with the public (neighbors or anyone else), anywhere in Oregon, having been stung, or let alone "attacked" by honeybees kept by residential beekeepers. This has been true whether the hives were located in residential and urban areas, or in small or large cities. Most issues that have resulted in a government response, arose as the result of citizen complaints or concerns about the ***possibility*** of being stung, allergic response or because of honeybees on their property. Most insect stings in residential and urban areas are from wasps and hornets and especially yellow jackets, while less than 3% of the population will have an allergic response to honeybee stings.

It has made no difference in the number of complaints or issues, raised by citizens, if some cities and counties had rules and others did not. The adoption of residential beekeeping rules, in reality, do not protect the public because there is almost nothing that the public needs protection from. In most cases, the rules have been adopted without any evidence that they have or will provide any protection what-so-ever.

To Respond to Citizen Concerns?

In response to citizen concerns, some cities and counties have adopted residential beekeeping rules, thus acting in the belief that such rules will eliminate problems that might arise. However, nearly all of these adoptions are based on ***guidelines*** beekeepers originally suggested years ago, for use by other beekeepers to manage their hives and to maximize honey and hive product yields. Those ***guidelines*** were subsequently adopted by governmental agencies into ***rules*** and repetitively referenced and adopted by other agencies, again without any evidence that those ***guidelines*** would somehow eliminate concerns about honeybees. Note: However, some of those ***guidelines*** such as set-backs, providing water and re-queening, which have been reflected in OSU's "Best Practices...", can be helpful.

To Provide a Tool for Enforcement to Address Problems?

Many of the rules previously adopted, by some agencies, that might require the use of a particular style of hive, the spacing of hive boxes, a particular race of bees or the number of allowed hives based on lot size, would permit the code compliance officer to order corrections if those rules are violated. It would make no difference, in the citation process, whether or not compliance with the rule, would actually reduce the concerns. It is much more difficult for the compliance officer, to have specific evidence and justification to make a case for issuing a "nuisance" citation, to address the actual cause of a perceived problem or concern.

That is, it is easier, for instance, to cite the beekeeper for having too many hives

then it is to tell the complainant there is nothing wrong or to have to justify a nuisance citation to actually address the causative condition or perceived problem, that is not covered by a specific rule.

Having specific rules makes it easier to issue citations, but if those rules are not needed or they will not remove or reduce concerns or any problems that might arise, should they be adopted?

To Prevent Urban/Residential Farming Operations?

Many years ago, as cities and counties addressed the issue of farming activities in urban/residential areas (zones), many adopted rules and codes prohibiting farm animals in their non-farming zones. The keeping of chickens, livestock, ducks, pigs and bees were included in those prohibitions. Recently, cities and counties have recognized that the "residential" or "hobbyist" keeping of chickens, ducks, some pigs and beekeeping are not farming and they have changed their codes to allow these animals with some limitations. Those limitations, in terms of numbers of animals allowed, management practices and other conditions are intended to minimize negative impacts upon neighbors or the public.

It might make sense to have limitations and requirements for keeping animals, other then honeybees because of odor and noise control, animal health and preventing escape. However, such limits should not be applied to honeybees as, for the most part, they do not have these issues. Honeybees do fly up to 2 or more miles away seeking nectar and pollen. That is their nature and there is no way that can be prevented other then placement in a very large screened enclosure, in which they would ultimately die.

Bottom Line?

Are ***specific*** residential beekeeping rules needed? The simple answer is no. As recommended by the OSBA, the use of general ***nuisance*** codes, as many cities now do, is sufficient for the few instances when issues have arisen. This is in accordance with the 2015 Residential Beekeeping legislation adopted by House Bill (HB) 2653 and codified as ORS 602.035 and 602.045.

But will ***specific*** rules be adopted? The answer is yes, as long as citizens and governmental agencies believe that by doing so they will somehow address and eliminate the concerns and problems, that might arise. Our role as beekeepers is provide input, so that the adopted ***specific*** rules reflect good beekeeping practices, in accordance with the OSU's "Best Practices...", which will reduce and eliminate problems before they arise and that the ***specific*** rules do not place unnecessary and ineffective limits and restrictions on residential beekeeping.

Ralph (Mike) Rodia, PhD, Agricultural Liaison, Oregon State Beekeepers Association
503-364-3275 rrodia@msn.com

Enrolled

House Concurrent Resolution 9

Sponsored by Representative REARDON; Representatives BARNHART, BOONE, CLEM, GORSEK, HELM, KENNEMER, LININGER, LIVELY, NATHANSON, TAYLOR, VEGA PEDERSON, WITT, Senator GELSER (Presession filed.)

Whereas honey bees, native bees and other pollinators are essential to the production of many crops and seed; and

Whereas Oregon's insect-pollinated agricultural economy is an industry generating approximately $600 million per year; and

Whereas it is estimated that pollinators are responsible for one out of every three bites of food that we eat; and

Whereas pollinators are vital to sustaining a healthy ecosystem; and

Whereas healthy pollinator populations are necessary to biodiversity; and

Whereas urban and rural beekeepers play an integral role in statewide agricultural production; and

Whereas pollinator populations have suffered significant and troubling losses over recent years; and

Whereas it is critical that homeowners, as well as agricultural producers, understand how their actions may negatively impact pollinator populations; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Seventy-eighth Legislative Assembly, recognize the critical importance of pollinators to our food supply, agricultural production and environment; and be it further

Resolved, That we are committed to making pollinator health a priority by supporting existing programs and new opportunities to educate the public about pollinator health; and be it further

Resolved, That we urge all Oregonians to work together to support programs that ensure the safety and continued vitality of our pollinators.

Adopted by House March 24, 2015

Timothy G. Sekerak, Chief Clerk of House

Tina Kotek, Speaker of House

Adopted by Senate May 13, 2015

Peter Courtney, President of Senate

Enrolled

House Bill 2653

Sponsored by Representative GORSEK; Representatives HELM, LIVELY, WITT (at the request of Raine Lee Ritalto) (Presession filed.)

CHAPTER .....

AN ACT

Relating to location of apiaries.

Whereas residential beekeepers contribute to the overall stability of pollinator populations within urban areas when using safe and sound beekeeping practices; and

Whereas education related to bees and beekeeping helps reduce conflicts, informs local decision makers of the means to minimize nuisance complaints related to backyard beekeeping, and increases the acceptance of residential beekeeping by neighbors; and

Whereas the creation of best practice documentation for residential beekeeping can provide a means for developing good local policies that facilitate healthy and safe apiary practices; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS chapter 602.

SECTION 2. (1) The Oregon State University Extension Service, in consultation with the State Department of Agriculture and beekeeping organizations, shall establish by written policy best practices for beekeeping within residential areas.

(2) The policy set forth under subsection (1) of this section shall include recommendations to address:

(a) The application of local nuisance ordinances to manage conflicts that arise from beekeeping within residential areas;

(b) Methods for mitigating conflicts that arise from beekeeping within residential areas; and

(c) Local government oversight of beekeeping activities within residential areas.

(3) The Oregon State University Extension Service shall collaborate with the League of Oregon Cities and the Association of Oregon Counties to:

(a) Disseminate the best practices described in subsection (1) of this section to local governments; and

(b) Make information about the activity of beekeeping in residential areas available to the governing bodies of local governments and the general public.

SECTION 3. A local government may:

(1) Adopt ordinances consistent with the best practices described in section 2 of this 2015 Act; and

(2) Charge a reasonable fee for registering hives in residential areas in accordance with the rules established in ORS 602.090.

SECTION 4. A local government shall review existing ordinances and determine whether to adopt new ordinances relating to residential beekeeping within three years of the effective date of this 2015 Act.

Passed by House June 26, 2015

Timothy G. Sekerak, Chief Clerk of House

Tina Kotek, Speaker of House

Received by Governor:

M., ..., 2015

Approved:

M., ..., 2015

Oh, Death Where Is Thy Sting?

Jim Fischer

Recently, there have been a number of municipalities who were prompted to consider restricting or even prohibiting the keeping of bees. The usual scenario involves someone who fears bees, and demands that the local government legislate the bees away through restrictions on beekeeping.

Never mind that this won't reduce the number of wasps, yellow jackets and other stinging insects in the area one bit. Never mind that bees can forage miles away from their hives and pay no attention to municipal boundaries, the issue might come up.

We can blame *Varroa* and tracheal mites for this. Feral colonies have become very rare since the 1980s as a result of these parasites, and as a result, an entire generation has gone from childhood to parenthood with a very low probability of stepping on a bee while barefoot. A foraging honey bee is an unusual visitor to the modern yard. Not having ever seen the effects a bee sting, the perfectly normal localized swelling around the sting is viewed as an "allergic reaction," and anyone stung is then presumed to be "allergic to bee stings" as a result.

Those who grew up before the devastation of feral colonies are much more likely to have been stung multiple times as a child, so they don't have an irrational fear of bees. Softball games were a regular event in my backyard, and we had a good crop of dandelions, clover, and weeds, so it was only a matter of time until someone stepped on a bee. Of course we were barefoot. It was Summer!

The usual treatment was a hug and a cookie. Yes, there may have been some localized swelling, and of course there were tears, but this did not stop the stung child from playing their position, and taking their turn at bat.

These days, a single bee sting is viewed as life-threatening by parents who are convinced by advertising and paternalistic regulations that their children need thousands of dollars in safety equipment that most beekeepers grew up without (bicycle helmets, baseball batting helmets, air bags, seat belts, anti-lock brakes, water filters, air purifiers, smoke detectors, soccer shin pads, skateboarding knee pads, the list goes on forever). It is a wonder that any of us survived to adulthood given the list of "must have" items that we grew up without. It may be a futile effort to try to educate a neighbor about the fact that it is extremely difficult to even get stung by a foraging bee. We now live in an era where zoning laws prohibit tree houses!

If you are a beekeeper, you may be viewed as not only "strange," but a bigger threat to children than a child molester. Face it, you do appear a tad strange to modern folks – you have an affinity for not just bugs, but bugs that can sting. This is highly unusual in communities where dandelions and clover are considered weeds to be eradicated by the Chem-Lawn man, and yards look like putting greens rather than being permanently scarred with the faint outline of baseball diamonds.

So, what's a beekeeper to do? Offer some facts. The local government clearly has a responsibility to protect its citizens from undue risk, so define for them in clear terms exactly what sort of risk are posed by bees relative to other common risks.

Make a photocopy of this article, and simply hand it to whatever authorities are considering the issue, or download it from www.bee-quick.com/reprints/.

The question "Oh Death, Where Is Thy Sting?" has remained unanswered since it was first asked (The quote is from *I Corinthians 15:55* in the Bible, so we've had several thousand years to think about it.)

The reason that the question remains unanswered is that it is hard to find the sting in death, as there are very few deaths from stings.

In 2000 (the most recent year for which data has been reported to the World Health Organization) 54 people were reported as having died in the USA due to encounters with any type of stinging insect (wasps, bees, hornets, yellow jackets, you-name-it). This number is sure to include some number of deaths due to insects other than bees, and can also be assumed to include a certain number of deaths from "Africanized" Bees, something that is simply not an issue in most of the country.

In Canada, two people were reported as having died in 2000 from insect stings.

Canada has no "Africanized" bees, but has about the same percentage of their population keeping bees in suburban and urban areas as in the U.S. Canada is thereby a better model than the U.S. for how "risky" bees are if one wants to eliminate the "Africanized" bee factor, which would be reasonable for places where there are no "Africanized" bees.

When you look at mortality versus population, the odds of dying from the sting of an insect in any one year are:

U.S.: 1 in 5,555,556

Canada: 1 in 16,666,667

In contrast, there are many many other things that are much more dangerous and kill many more people every year. Things that are much more within the legitimate regulatory grasp of a municipality than bees, and things that can be controlled by a municipality. Lots of things kill many more people.

Things like walking down the street.

In the U.S.:			
What Killed People	Deaths in 2000	Odds of 1 in	How many times more risk of death than from stings?
Pedestrian Hit By:			
Passenger Vehicle	3101	93,633	59.3
Truck/Bus	295	990,099	5.6
Train	449	649,351	8.6
Stairways	1307	222,222	25.0
Slip/Trip On Level	565	515,464	10.8
Fall Involving Bed	450	649,351	8.6
In Canada:			
What Killed People	Deaths in 2000	Odds of 1 in	How many times more risk of death than from stings?
Pedestrian Hit By:			
Passenger Vehicle	209	154,321	108.0
Truck/Bus	28	1,162,791	14.3
Train	32	1,010,101	16.5
Stairways	236	136,612	122.0
Slip/Trip On Level	85	380,228	43.8
Fall Involving Bed	62	520,833	32.0

So, if the town fathers want to do something to protect those who are unable to protect themselves, they should start with a ban on walking down the street, all passenger vehicles, all stairways, and all walking on level surfaces.

Note that the bus is much safer, so everyone will have to take the bus everywhere, even if the journey would only be a few steps. Busses can't go up stairways very well, so they will also have to mandate elevators for all multi-story buildings.

When they are done with that, the next logical item to ban would be either beds or trains. (I have no idea what to do about beds ON trains, but one might jump to the conclusion that they would be much more risky than either one alone.)

"The chances of dying from a bee sting are remote. The liklihood of convincing some folks of that is equally remote."

Since all the items listed are common in nearly every town, they are a much more serious risk to the entire population rather than a risk to a tiny subset of the population who were dealt a bad genetic hand of cards, yet have made no effort to obtain a readily-available cure for the affliction.

Moreover, municipalities can impose bans on things like walking and passenger vehicles and expect to be able to enforce them. In contrast, a "ban" on beehives within the municipal limits is easy to prove as useless, ineffective, and providing no tangible amount of additional protection, even to the one person who has an affliction that they refuse to treat. Stinging insects fly where they wish. No one can stop them.

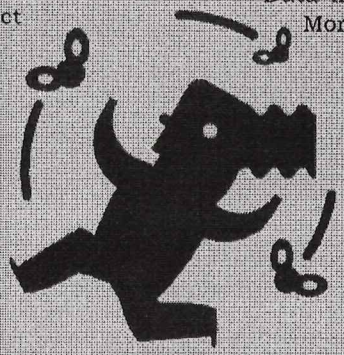
Insects tend to be oblivious to political boundaries. Yellow jackets and wasps would be nearly impossible to eradicate, making any "ban" on bees alone even more useless.

While presenting these statistics may not directly convince the local government officials to change their minds, presenting these statistics to the local press would allow them to have a grand time poking fun at how the government officials deal with the basic concept of risk management, which would then have a high probability of prompting the outcome you desire.

As another sanity check and point of reference, in 2000, 65 people died in the U.S. of food poisoning ("gastroenteritis of presumed infectious origin") and in Canada, 13 people died.

Was this the "quiche of death"? BC

Data Source: World Health Organization Mortality Data http://www.nationmaster.com/cat/Mortality



James Fischer keeps bees in the mountains of Virginia and has a morbid fascination with mortality statistics.

Volume 48
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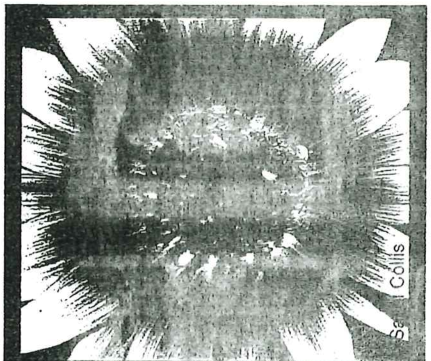
August 2023

The Bee Line

Newsletter of the Oregon State Beekeepers Association



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Oregon Master Beekeeper Program
A Joint Venture of OSBA and the Oregon State University Extension Service
info@oregonmasterbeekeeper.org

Image above: May baskets of every kind be filled with such goodness!

To Bee or Not to Bee, That Is the Question

Testimony Presented to the Brownsville City Council, May 23, 2023

Kathleen Swayze

If "not to bee" is the answer, then let's review the consequences.

1) We should start with the definition of bee. Honey bees, *Apis mellifera*, are pollinators. They are NOT yellowjackets, hornets, wasps, etc., though many people think they are and just call them all bees. They are NOT.

These other insects are aggressive. They like people food such as pop, beer, hot dogs, meat, potato salad. They will be at your next BBQ. They are aggressive, and they sting!

Honey bees are pollinators. They like flowering fruits, vegetables, trees, and flowers, not BBQs.

2) Honey bees travel 2–3 miles, even 5 miles, from their hive or bee box to their flowers. There are hundreds of commercial bee boxes surrounding Brownsville that the farmers put out to pollinate their crops. They are there through the summer.

3) How are we going to identify these out-of-towners from our honey bees? Should we erect nets, post signs (small ones), or perhaps a wall? It could be more effective to ban flowers and fruit trees from our community so they wouldn't attract honey bees across our town border.

4) How will we be enforcing the bee ban? Very small bee jails or rehab centers? Counseling? What about repeat offenders . . . community service?

Seriously, why not have reasonable regulation of honey bees and bee keepers? After all, 33% of all our food is pollinated by honey bees and other pollinating bees. Mortality rates from stings in the US are 1 in 5,555,556. You have more of a chance of dying falling out of bed. Our pollinators are in sharp decline. We need to encourage education about and protection of them, our food supply depends on it.

I urge you to review the common sense regulations the city of Hubbard adopted on May 28, 2021. Hubbard is a small rural town of about 3,500 people. They adopted a simple 9-point regulation of residential bee keeping. It's working. Contact them.

It would be a sensible guide for Brownsville, too. Honey bees are too vital to our global and local community to ban. Please let them bee.

Note: After the meeting, Mike Rodia emailed a copy of the testimony he also had provided during the meeting with the Brownsville City Council, along with a few comments, including the following: "It was standing room only (literally) with about 40 citizens, besides the nine Council members and staff, who were present. Usually there are only a few people at these meetings. As far as I could tell, all except one person wanted the ban removed. Following my presentation and that of seven others who spoke in favor of removing the ban, a spokesperson for a friend advised that his friend has a heart condition and a potential death allergy to bee stings. They cannot use can Epi-Pen without bringing on heart failure. They fear for their life . . . The Council voted unanimously to Stay the ban and to come up with residential beekeeping rules (probably similar to Hubbard's rules)."

Thanks to Mike, Kathleen, and all involved for bee time and care!

Marion County

Chapter 6.20
RESIDENTIAL BEEKEEPING Revised 12/19

Sections:

6.20.010 Title. Revised 12/19
This chapter shall be known as the Marion County residential beekeeping ordinance. [Ord. 1409 § 1, 2019.]

6.20.020 Purpose. Revised 12/19
The purpose of this chapter is to establish regulations for the keeping of honey bees for personal use, on certain residentially zoned properties under Marion County jurisdiction. This chapter establishes standards and enforcement authority. [Ord. 1409 § 2, 2019.]

6.20.030 Definitions. Revised 12/19
"Bees" means honey-producing insects of the genus Apis and includes the adults, eggs, larvae, pupae, and other immature stages thereof, together with such materials as are deposited into hives by their adults except honey and beeswax in rendered form, excluding African honey bees.

"Community garden" means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

"Hive" means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees. [Ord. 1409 § 3, 2019.]

6.20.040 Standards. Revised 12/19
Bees may be kept at any residence, community garden, or on any lot owned by a school, governmental agency or religious organization on properties zoned single-family residential (RS) or urban development (UD) in Marion County subject to the following standards and limitations:

A. Maximum Number of Hives.

1. For lots up to 5,000 square feet, one hive; provided, however, the maximum number of hives may be temporarily increased to two only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

2. For lots between 5,001 feet and 20,000 feet, three hives; provided, however, the maximum number of hives may be temporarily increased to four only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

3. For lots greater than 20,000 feet, five hives; provided, however, the maximum number of hives may be temporarily increased to seven only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

B. Hives shall comply with the setback requirements of the zone in which they are located. Where a main building is located on a property, hives shall be located in the side or rear yard.

C. If a hive is located within 25 feet of a property line, either:

1. A flyaway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of 10 feet in either direction of the hive. The flyaway barrier shall consist of a wall, fence, dense vegetation or a combination thereof; or

2. The hive shall be elevated a minimum of 10 feet above ground level.

D. A constant supply of water shall be provided for the bees within 15 feet of each hive on the property where the bees are located.

E. Each beekeeper shall ensure that no bee comb or wax is left upon the property grounds to prevent robbing from other bees and attracting predators.

F. Hives shall be maintained in a condition such that the bees do not produce noise or odor that creates a nuisance for adjacent properties.

G. If a hive or group of hives is located at a community garden or on any lot owned by a school, government agency, or religious organization, a sign warning of hives shall be installed at the primary public entrance to the property. Warning signs shall be at least 10 inches by 10 inches. [Ord. 1409 § 4, 2019.]

6.20.050 Enforcement responsibility and authority. Revised 12/19
A. Upon receipt of a complaint, this chapter shall be enforced pursuant to Chapter 1.26 MCC.

B. Bees that are not kept as provided in MCC 6.20.040 shall be deemed a public nuisance under Chapters 1.26 and 8.10 MCC. [Ord. 1409 § 5, 2019.]

Back Home

Southern Oregon Beekeepers Association

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Ashland Beekeeping Ordinance

Beekeeping is permitted within the Ashland city limits. Beekeepers who maintain hives within the city limits of Ashland are required to register the hives with the city. Registration is FREE and very easy.

Information about hive registration can be found on the City of Ashland website under Departments->Community Development->Planning Division->Keeping of Animals->Beekeeping.

The standards relating to the keeping of bees as outlined in the Ashland Municipal Code (09.08.040) shall be continuously met:

- *Registration with the city is required to keep beehives within the city limits and the Director of Community Development shall provide a beekeeping registration process.*
- *No more than three (3) bee colonies shall be kept or maintained on properties of less than one acre.*
- *No more than five (5) bee colonies shall be kept or maintained on properties of one acre or greater.*
- *Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.*
- *For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.*
- *In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6)feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony.*
- *A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.*
- *Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.*
- *If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 30 days from the date acquired.*
- *The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted.*
- *Africanized bees are prohibited.*

Bend, Oregon

h. Waste disposal facilities.

i. Water supply system.

j. Lighting.

k. General timetable for development.

2. The Conditional Use Permit may be granted upon the following findings:

a. That any exceptions from the standards of the underlying zone and subdivision ordinance are warranted by the design and amenities incorporated in the development plan;

b. That the proposal is in harmony with the surrounding area or its potential future use;

c. That the system of ownership and the means of developing, preserving, and maintaining open space are adequate;

d. That sufficient financing exists to assure that the proposed development will be substantially completed in the timetable outlined by the applicant;

e. That open space shall comprise 65 percent of the land. **Open space** shall mean land not in streets or structures;

f. That adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation, and special terrain features;

g. That the areas of activities are contained in the center of the development, or that adequate buffer yards are established to protect adjacent private lands.

3. Dimensional Standards:

a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings of the zone in which the development is located do not apply within a destination resort.

b. The Hearings Body shall establish yards, height limitations, and space between buildings for the development, or may delegate this to the Site Plan Committee.

4. Commercial uses designed and sized to meet the needs of the development's population are allowed subject to the following:

a. That such use shall be contained within the development;

b. That adequate screening and site design shall ensure compatibility between these activities and adjacent uses.

O. Beekeeping. The purpose of this section is to regulate the keeping of common domestic bees on residential lots within the City of Bend. This activity is considered to be an accessory use subject to the following standards.

1. Location, Density, and Maintenance of Colonies.

a. The number of colonies is limited to one colony per legal lot of up to 5,000 square feet of lot area, plus one additional colony per each additional 5,000 square feet of lot area, up to a maximum of eight colonies regardless of lot size.

b. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line, and shall comply with the following provisions:

i. The beehives are isolated from public access by a security fence; and

ii. The beekeeper establishes and maintains a flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony; or

iii. The colony is situated 10 feet or more above the grade of the nearest adjoining property line.

c. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.

d. In any instance in which a colony exhibits aggressive behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occur.

e. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.

P. Marijuana Businesses.

1. Purpose. The purpose of this section is to reasonably regulate those who are engaged in the retail sale, producing, growing, processing, wholesaling and testing of medical and recreational marijuana, consistent with State law, in the City of Bend, and to:

a. Protect the general health, safety, property, and welfare of the public;

b. Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with State law, with the need to minimize adverse impacts to nearby land uses, residents, property owners and businesses that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;

c. Adopt reasonable time, place and manner restrictions on both medical and recreational dispensaries tied to specific community impacts;

d. Prevent or reduce criminal activity that may result in harm to persons or property;

e. Limit the exposure of minors to the commercial aspects of marijuana;

f. Prevent or reduce diversion of State-licensed marijuana and marijuana derivatives to minors; and

Eugene Rules

Eugene Building & Permit Services

URBAN ANIMAL KEEPING

The standards in Eugene Code (EC) 9.5250 allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources. These standards are intended to improve the way animals are cared for, while increasing the likelihood that neighbors will accept your property uses and food choices.

Where are farm animals allowed?

Farm animals are allowed in the following zones:

- Agricultural (AG)
- Public Land (PL)
- Residential (R-1, R-2, R-3, R-4)
- Chase Node (S-C/HDR/MU & S-C/HDR)
- Downtown Westside (S-DW)
- Elmira Road (S-E)
- Royal Node (S-RN/LDR & S-RN/MDR)
- Whiteaker (S-W)

To determine the zone of your property go to http://www.eugene-or.gov/zoningmap.

You may have Covenants, Conditions, and Restrictions (CC&R's) that may be more restrictive than these standards. You can obtain a copy of the CC&R's from Lane County Deeds and Records, your active homeowners association, or your landlord.

What animals am I allowed to have?

If the property is less than 20,000 square feet in area, any two of the following four categories of animals are allowed:

1. **Chickens and Domestic Fowl** (quails, pheasants, ducks, pigeons, and doves). Up to 6 over six months of age and 6 under six months of age. No roosters, geese, peacocks, or turkeys allowed.
2. **Rabbits.** Up to 6 over six months of age and 6 under six months of age.
3. **Miniature Goats** (pygmy, dwarf, and miniature goats). Up to 3 provided that males are neutered.
4. **Miniature Pig.** One up to 150 pounds.

If the property is 20,000 square feet or greater in area, please contact Land Use staff at 541-682-8336 or landuseinfo@eugene-or.gov for additional animal allowances, honey beehive allowances, and setback requirements.

Can I have honey beehives?

Yes, if the development site is less than 20,000 square feet in area, you can have up to three hives as long as they are located at least 5 feet from all property lines, pointed toward the center of the property, and a water source must be provided on site within 15 feet of each hive.

Do I have to live on site?

The person responsible for keeping an animal must reside on or adjacent to the property the animal is kept. There is an exception for school and religious uses.

What are the sanitation requirements?

Animal manure cannot be allowed to accumulate and should be disposed of so as not to create an odor issue that is detectable beyond property lines. Compost piles that contain manure and bedding must be located at least 5 feet from all property lines and be confined within a container or bin enclosed on all sides and covered to deter flies, rodents, and other pests.

Composting raw manure from backyard animals should be done with caution. Manures contain pathogens that can make people sick and should be composted with care. Most backyard methods are not sufficient to kill all pathogens. Any dumping, leaching, or disposal of pet waste in any open waterway or the Stormwater system is strictly prohibited.

How do I prevent a rodent problem?

The person responsible for keeping animals must not allow conditions to exist that are likely to attract, feed, or harbor rats or mice per EC 6.015. Food must be stored in metal or other rodent-proof containers. Good practice is to feed amounts that can be consumed in a 15 minute period morning and evening.

www.eugene-or.gov/farmanimals

Planning & Development
99 W. 10th Avenue, Eugene, OR 97401
P 541.682.5086 * F 541.682.6593

Form # LU-241
Updated: March 2021

Am I required to provide fencing?

Yes, fencing is required and must be designed and constructed to confine all animals on the site. The fence location and height are those required by the zone that the property is located in. Animals are free to roam or graze up to the property line as long as fences keep animals on the owner's property.

What about animal enclosures?

An enclosure is required to provide shelter from the weather for all animals kept outdoors and must be roofed and have at least two solid sides. The height of the enclosure must comply with the requirements for accessory structures in the applicable zone. Structures used to provide shelter for all animals must be located at least 10 feet from all property lines, including any covered animal runs (unless an adjacent property owner authorizes in writing that the enclosure can be located closer to their property).

Do I need a permit for the enclosure?

A building permit is not required for an enclosure 200 square feet or less in area and that is no more than 10 feet high. Other permits (electrical, plumbing) may be required depending on the scope of the work.

Please contact a residential plan reviewer at residentialpermitinfo@eugene-or.gov or 541-682-5611 for any building code related questions.

Are there noise regulations?

Yes, any animal which makes sounds frequently or for a long duration creating a noise disturbance is prohibited per EC 4.083, 4.084, and 4.430. Animals make noises through the course of their day and some noise is to be expected. However, chickens squawking or the crying of a goat for longer than 15 minutes might qualify as unreasonable noises in a residential neighborhood. A good neighbor will not let these vocalizations continue for long durations of time.

Is animal care regulated?

Yes, no person shall subject any animal to cruel mistreatment or neglect per EC 4.335 and 4.340. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and veterinary treatment; abandonment of any animal; and willfully torturing and inflicting inhumane injury or pain on any animal.

Is my yard big enough?

Not every property is big enough to house the maximum number of animals and meet the required standards. It is important to confine animals to the owner's property, provide shelter to protect animals from predators and harm, and to provide enough room for animals to move freely as intended. Additional covered area may be necessary to store animal bedding, animal feed, tools, and, if desired, a compost area.

Can I harvest animals on site?

Only chickens, domestic fowl, and rabbits can be harvested on the same development site in which they live. Harvesting must be done out of view of any public area or any adjacent property, in a humane and sanitary manner, and not for commercial purposes.

How does the City regulate these requirements?

If you are not meeting these standards your neighbor has the right to submit a complaint to City staff. At this time there is no licensing requirement. It is recommended that some form of identification be on your animals in the event they get loose and need to be returned.

How to be a good neighbor?

It is best to inform neighbors in advance and be proactive about your urban animal keeping intentions. Letting neighbors know that you are aware of the regulations regarding the keeping of urban animals is recommended. Let neighbors know that you intend to be a good neighbor and that concerns will be addressed in a timely manner.

Please contact Land Use staff at 541-682-8336 or landuseinfo@eugene-or.gov for information related to these standards. See the City of Eugene web page for community resources.

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

www.eugene-or.gov/farmanimals

Planning & Development
Building and Permit Services
99 W. 10th Avenue, Eugene, OR 97401
P 541.682.5086 * F 541.682.6593

Hubbard, Oregon

Chapter 6.05
GENERAL REGULATIONS

Sections:

6.05.010 Relationship to state laws.
ORS Chapter 609, pertaining to animal control, exotic animals and dealers, and ORS 167.31 through 167.388, pertaining to offenses against animals shall apply in the city of Hubbard except where expressly superseded by this chapter. (Ord. 234-2000 § 2, 2000)

6.05.020 Definitions.
For the purpose of this chapter, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

(1) "Animal" means any of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.

In addition to any fines or other penalties provided herein, the council may order such disposition of the animal as it considers necessary for the safety or health of the public. (Ord. 234-2000 § 17, 2000)

6.05.170 Shelter requirements.
(1) The owner or keeper of any animal shall provide adequate shelter for such animal. Adequate shelter means that which provides protection from the meteorological elements.

(2) The council may prohibit the housing or keeping of any animal within the city limits when such housing or keeping may impair the public health, welfare, safety, or create a nuisance.

The council may direct the animal control official to deliver a written notice to the owner or keeper of such animal, directing the owner or keeper to remove the animal with seven days from the service of such notice. (Ord. 234-2000 § 18, 2000)

6.05.180 Keeping of livestock, certain chickens and/or domesticated rabbits within the city limits of the city of Hubbard.
(1) No person owning, possessing, or having control of livestock, shall keep such animals unless they are contained in a secure fenced area on a lot having an area of at least 32,670 square feet (0.75 acre) per animal.

(2) Up to four female chickens or domesticated rabbits, or any combination thereof, may be kept on any lot with a minimum area of 5,000 square feet, up to five of such animals on any lot with a minimum area of 7,000 square feet, up to six of such animals on any lot with a minimum area of 10,000 square feet, or up to eight of such animals on any lot over 10,000 square feet. Waste from such animals shall not be allowed to accumulate. Chicken and rabbit food shall be stored in rodent-proof containers at all times.

(3) Male chickens (roosters) and any other poultry shall not be owned, possessed or maintained within the city limits of the city of Hubbard.

(4) Pens, hutches, fencing or other containment shall be maintained to confine such animals to owner's property at all times.

(5) All structures that house livestock, female chickens and rabbits shall be subject to Building Code and Development Code requirements and shall be located at least 20 feet from all neighboring residences, at least five feet from any side property line and at least 10 feet from the rear property line and shall not be located in front of the primary residential structure.

(6) No livestock, poultry or rabbits shall be slaughtered on the subject property for commercial purposes.

(7) Nonconforming Use. For livestock being kept on parcels of less than 32,670 square feet (0.75 acres) per animal, this section shall not preclude any person from continuing to keep or replace livestock which were being kept within the city limits of the city of Hubbard on or before the adoption date of the ordinance codified in this chapter.

(8) Cessation of Use. For parcels of less than 32,670 square feet (0.75 acres), if a nonconforming use for keeping of the livestock is discontinued for a period of 90 days or more, or if the property comes under different ownership, the keeping of livestock shall cease and may not be resumed. (Ord. 313-2010; Ord. 292-2006 § 1; Ord. 234-2000 § 19, 2000)

6.05.185 Keeping bees.
Honeybees may be kept in the city consistent with the following standards:

(1) Honeybee colonies shall only be kept on a lot or parcel that has a single-family detached dwelling in which the beekeeper resides.

(2) The number of colonies shall not exceed one on any lot with a minimum area of 5,000 square feet, up to two colonies on any lot with a minimum area of 7,000 square feet, and up to three colonies on any lot 10,000 square feet or larger. The number of hives per lot may be increased by two during the current beekeeping season when those additional hives are formed by the making of splits or the collection of swarms. Every February the hives shall be reduced to the original lot requirement.

(3) All portions of the hives/colony enclosures shall be located in side and/or in rear yards.

(4) A flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction, unless the adjoining property is undeveloped for a minimum of 25 feet past the property line.

(5) Colonies shall be maintained in moveable-frame hives with adequate space and management techniques to prevent overcrowding.

(8) Beekeeper shall maintain an adequate supply of water for colonies located within 25 feet of each hive on the property where the honeybees are located.

(7) Beekeeper will abide by any disease prevention directive issued by the State of Oregon Department of Agriculture.

(8) Beekeeping appliances shall be kept in a clean condition at all times by taking such action as deemed necessary to prevent any condition which may be dangerous or detrimental to the public health, the health of the colony or constitute a nuisance.

(9) Bees kept on agriculture-use property that are properly registered with the state of Oregon are exempt from this code. (Ord. 346-2016 § 2)

6.05.190 Dead animals – Carcass removal.
No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property for over 24 hours. Honeybees are exempt from this section. (Ord. 346-2016 § 1; Ord. 234-2000 § 20, 2000)

6.05.200 Summary destruction of certain animals.
Any animal, whether domestic or wild, which presents an imminent threat of serious physical injury or death to any person or other animal, or which has caused injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in this chapter, may be summarily destroyed in as humane a manner as is practicable under the existing circumstances. (Ord. 234-2000 § 21, 2000)

6.05.210 Violation – Penalty.
A violation of any section of this chapter constitutes a Class I civil infraction and shall be handled according to the procedures established by ordinance relating to civil infractions. (Ord. 234-2000 § 22, 2000)

The Hubbard Municipal Code is current through Ordinance 371-2021, passed March 9, 2021.

Disclaimer: The city recorder's office has the official version of the Hubbard Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: https://www.cityofhubbard.org/
City Telephone: (503) 981-9633

Code Publishing Company

11/20/08

Testimony Regarding

McMinnville City Code 8.16.040

Concerning Honeybees

As a Certified Safety Professional and the Director of Environment, Health and Safety at Linfield College, I have concerns about changing Ordnance No. 4151, dated 23 June 1981. The changes I have heard seem to be based on fear, not fact.

Others testifying this evening may share the necessity of honeybees. Except for grains, honeybees are required for most of our food. In a time when people are concerned about the economy and many are considering a backyard garden, the absence of honeybees will make this option difficult, if not futile.

If we asked the people assembled here how many are allergic to 'bees', we would probably get a show of hands of 30-60% of the attendees. This would be the average response to such a question. The usual reason for this is these people have been stung, which does hurt, and a welt of even four inches may appear. This, I realize can be painful and may last for several hours or even for several days, but this is a normal reaction. If that is an allergic reaction, the smaller welt and itching following a mosquito bite would need to considered an allergic reaction, also. Stinging insects are larger and inject more proteins into a person, therefore a larger reaction. Getting back to how many are allergic - In a population of 1,000 people, one or two are allergic. That means in McMinnville, between approximately 40 to 70 people are allergic.

My job as a safety professional means I need to look at safety concerns, analyze the cause or causes and then find solutions. Sometimes the cause is obvious, but often, superficial reasons are given, not the root cause. It's the root cause that needs to be found. Sometimes the solution may mean not doing something, but usually the work has to be done, so other options need to be found.

So let's apply these skills to the concern of insect stings. We've covered allergies so, what percentage of insect stings do bees cause? National statistics show that bees cause approximately five to seven percent of insect stings. The largest percentage, nationally, are caused by ants followed by vespids, followed by spiders. Vespids are a group of social insects that include wasps, hornets and yellow jackets. Even though fire ants and 'killer' bees are found in the same areas, it's the ants that are the largest problem, not the 'killer' bees. So nationally, bees cause only a small portion of stings.

Here, in Oregon, we don't have either fire ants or 'killer' bees. So what can we expect here. I haven't been able to find statistics for Oregon, so all I can do is base it on reports at Linfield College. Many stinging insects can be found on campus as part of the natural fauna. In the last five years we have had reports of three to five honey bee swarms per year on campus. There have been four reports of insect stings on campus during that time. These

reports may have had more than one sting each. Upon investigation, one was a spider, two were vespids, probably yellow jackets, and one was a honeybee. The honeybee sting occurred to a person working with bees and was provoked. The spider bite occurred as the person was cleaning and could be considered provoked. The other two stings were unprovoked. I realize that my sample is fairly small with only about 2,500 people over five years, but I think it shows that the national statistics can at least be used as a trend for McMinnville.

You may ask how I know that the two stings identified as vespids were not bees. Bees have a barbed stinger. This means that they can only sting once as they leave the stinger along with a poison sac. If there is nothing to remove, it was caused by some other insect. Unlike bees, vespids, such as yellow jackets, have a smooth stinger and since they keep their stinger and poison sac, they can sting more than once.

I mentioned earlier that bees caused about five percent of the insect stings. I did not state honeybees on purpose. There are other stinging bees, such as bumblebees that were part of the statistics. They were not separated out.

Now that we have a clearer picture of the concern and the facts, what should be done to prevent stings? You could ban all beekeeping from McMinnville. But, what about feral honeybees? (Those found in a wall or in a honey tree.) Also, are you going to ban all bumblebee, hornet, wasp and yellow jacket hives also? If so, how will it be enforced?

A better way to keep bees out of McMinnville would be to ban all flowering plants from the city limits. Without a food source even those living outside the city limits would not be attracted here. Without flowers, shrubs, weeds or trees they would have no reason to come.

Of course that would not affect the biggest portion of stings, because vespids are looking for protein, not nectar or pollen. Vespids main source of food are insects. But, they like your picnic, too. They like your BBQ. They have even been known to even take a bite out of a people and pets. After all, they like meat. They may crawl into you soda can or in your lemonade glass, but that is for the water not the sweet.

I think your predecessors on this council did a good job addressing the concerns of the community with Ordinance No. 4151. Parts of this ordinance could use some clarification, but to make it more restrictive would do very little, if anything, to even reduce the possibility of being stung. My recommendation would be to publicize it for those who are truly allergic and to guide new beekeepers so they live peaceably with their neighbors.

Respectfully,
Gordon J. Kroemer, CSP, NRCC-CHO
Director, Office of Environment, Health & Safety
Linfield College

Salem Beekeeping Code Adopted June 24, 2019

Sec. 50.720. - Keeping of bees.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bees means honey-producing insects of the genus Apis and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form, excluding African honey bees.

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Hive means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(b) *Location.* Bees may be kept at any residence, community garden, on any lot owned by a school, government agency or religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.

(c) *Standards.* Except where the keeping of livestock and other animals is allowed under the UDC, bees kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

(1) A maximum of five hives may be kept on a property; provided, however, the maximum number of hives may be temporarily increased to seven only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

(2) Hives shall comply with the setback requirements of the zone in which they are located. Where a main building is located on a property, hives shall be located in the side or rear yard.

(3) If a hive is located within 25 feet of a property line, either:

(A) A flyaway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of ten feet in either direction of the hive. The flyaway barrier shall consist of a wall, fence, dense vegetation or a combination thereof; or

(B) The hive shall be elevated a minimum of ten feet above ground level.

(4) A constant supply of water shall be provided for the bees within 15 feet of each hive on the property where the bees are located; and

(5) Each beekeeper shall ensure that no bee comb or wax is left upon the property grounds to prevent robbing from other bees and attracting predators.

(6) Hives shall be maintained in a condition such that the bees do not produce noise or odor that creates a nuisance for adjacent properties;

(7) If a hive or group of hives is located at a community garden or on any lot owned by a school, government agency, or religious organization, a sign warning of hives shall be installed at the primary public entrance to the property. Warning signs shall be at least ten inches by ten inches.

(d) *Bees not in compliance deemed nuisance.* Bees not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.

Salem Beekeeping Code Adopted June 24, 2019

(e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep bees in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:

(1) $250.00 for the first violation;

(2) $500.00 for the second violation; and

(3) $750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping bees for ten years.

(Ord. No. 6-19, § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

6 or more	+1,000 square feet/each animal

(2) The number of permitted young shall be limited to three times the number of permitted adult animals.

(3) The offenses specified in subsections (1) and (2) are also punishable as a violation and may include a fine not exceeding $720.00 pursuant to SMC section 1.205.

5.412 Bees.

The keeping of bees shall be limited to the following:

(1) Keeping of bees within the city limits shall be permitted on property zoned Low Density Residential (LDR) district only.

# of Hives	Minimum Lot Size
1	None
2 3 or more	10,000 square feet +2,500 square feet/each hive

(2) Standards. Bees kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

(a) Hives shall comply with the setback requirements of the zone in which they are located. Where a main building is located on a property, hives shall be located in the side or rear yard.

(b) If a hive is located within 25 feet of a property line, either:

(i) A flyaway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of ten feet in either direction of the hive. The flyaway barrier shall consist of a wall, fence, dense vegetation or a combination thereof; or

(ii) The hive shall be elevated a minimum of ten feet above ground level.

(c) A constant supply of water shall be provided for the bees within 15 feet of each hive on the property where the bees are located; and

(d) Each beekeeper shall ensure that no bee comb or wax is left upon the property grounds to prevent robbing from other bees and attracting predators.

(e) Hives shall be maintained in a condition such that the bees do not produce noise or odor that creates a nuisance for adjacent properties.(3) Bees not in compliance deemed nuisance. Bees not kept in compliance with this section shall be deemed a public nuisance. If the owner or keeper has not rectified the conditions by the date provided in any notice provided, the City may abate the nuisance as provided in this code.

(4) Violation. Except as otherwise provided in this code, it shall be unlawful to keep bees in a manner that does not comply with the provisions of this section. This offense is punishable as a violation and may include a fine not exceeding the following:

(a) $120.00 for the first violation;

(b) $250.00 for the second violation; and

(c) $500.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping bees for ten years.

5.414 Horses, Cows, Llamas, Sheep, Goats, Miniature Horses, and Pygmy Goats.