

City of St. Helens
ORDINANCE NO. 3271

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE
CHAPTER 6.04 REGARDING BEEKEEPING

WHEREAS, in 2015 the State of Oregon adopted House Bill 2653 which requires Oregon State University (OSU) Extension Service, in consultation with State Department of Agriculture, to create best practices for beekeeping in residential areas; and

WHEREAS, said House Bill requires local governments to review existing ordinances and determine whether to adopt new ordinances relating to residential beekeeping;

WHEREAS, the City Council considered the City's prohibition of beekeeping within city limits and determined that some beekeeping should be allowed.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 6.04 of the St. Helens Municipal Code ("SHMC") is hereby amended, attached hereto as **Attachment "A"** and made part of this reference.

Section 2. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 4. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: December 1, 2021
Read the second time: December 15, 2021

APPROVED AND ADOPTED this 15th day of December 2021 by the following vote:

Ayes: Morten, Topaz, Chilton, Birkle, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

underlined words are added
~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

**CHAPTER 6.04
ANIMAL CONTROL**

Sections:

- 6.04.010 Definition of terms.**
- 6.04.020 Owner’s duties.**
- 6.04.030 Public duties.**
- 6.04.040 Prohibited activities.**
- 6.04.045 Honeybee Beekeeping.**
- 6.04.050 Cruelty to animals.**
- 6.04.060 Dangerous or aggressive animals.**
- 6.04.065 Declassification of aggressive dogs.**
- 6.04.070 Animal fighting.**
- 6.04.080 Animal facility licensing.**
- 6.04.090 Impounding procedures.**
- 6.04.100 Penalties.**

[...]

6.04.040 Prohibited activities.

[...]

(3) Public Nuisances. It shall be unlawful to keep or maintain within the city any animal which is a nuisance. An animal is a nuisance as described if it:

(a) Causes continuous noise lasting for a minimum period of 15 minutes or intermittent noise lasting for a minimum period of 30 minutes by excessive barking or noise making, for which the listener can clearly hear the content of the sound produced by the animal from inside any neighboring building, vehicle or residence;

(b) Chases vehicles;

(c) Damages or destroys property of a person other than the owner or custodian of the animal;

(d) Scatters garbage;

(e) Molests, attacks or interferes with persons or other domestic animals on property other than the owner’s property-;

(f) Involves bees that exhibit aggressive behavior such as stinging or attacking without provocation;

(g) Involves ongoing honeybee flight paths that are less than 6’ from ground level at a property line of the property where the bees are kept;

(h) Involves honeybees swarming outside of the normal Spring season.

[...]

(5) Animal Restrictions and Prohibitions.

(a) The following are prohibited except as set forth in subsections (5)(b), (5)(c) and (5)(d) of this section:

(i) Beekeeping. No person shall possess, maintain or keep bees in the city limits, except for mason bees, and in conformance with SHMC 6.04.045, honeybees.

(ii) Dogs. No single-family residence shall contain more than three adult dogs and one litter of puppies under six months of age.

(iii) Exotic Animals. No person shall possess, maintain or keep any exotic animal in the city limits.

(iv) Hens and Ducks. No single-family residence shall possess, maintain or keep more than three adult hens or ducks, or any combination thereof, and six chicks or ducklings, or any combination thereof, under nine weeks of age.

(v) Livestock. No person shall possess, maintain or keep any livestock in the city limits.

(vi) Rabbits. No single-family residence shall possess, maintain or keep more than three adult rabbits and one litter of rabbit kits (bunnies) under nine weeks of age.

(vii) Wildlife. No person shall possess, maintain or keep any wildlife in the city limits.

(b) Except for subsections (5)(a)(i), (5)(a)(v) and (5)(a)(vii) of this section, an owner may request an animal facility license for the keeping of such animals in the manner as set forth in SHMC 6.04.080. For beekeeping of honeybees, see SHMC 6.04.045.

[...]

6.04.45 Honeybee Beekeeping.

(1) Purpose. The purpose of this section is to establish certain requirements for honeybee beekeeping within the City of St. Helens associated with residential uses and to avoid issues which might otherwise be associated with beekeeping in populated areas.

(2) In addition to the definitions per Section 6.04.010, the following definitions apply to this Section:

(a) "Apiary" means the place where bee colonies are located.

(b) "Colony" or "colonies of bees" refers to any hive occupied by bees.

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

(d) "Hive" means a container or collection of boxes for housing honeybees including those for a nucleus colony.

(e) "Honeybee" means a honey-producing insect of the species *Apis mellifera* commonly known as honeybees.

(f) "Lot" means a contiguous parcel of land under common ownership.

(g) "Nucleus colony" or "nuc" 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.

(h) "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.

(3) Beekeeping of honeybees may be allowed as an accessory use on property developed with a lawfully existing residential use as the principle use of the property (see Chapter 17.16 SHMC for definition of accessory use and principal use). No animal facility license per SHMC 6.04.080, permit or other authorization is required to allow honeybee beekeeping associated with a lawfully existing residential use, but allowance of such is subject to the following:

(a) The number of hives are limited to up to four per property on any size lot, up to six for any lot 10,000 square feet or greater, and up to ten for any lot greater than 1 acre in size.

(b) Hives shall be hidden from public view at all times.

(c) Flight paths shall be managed by:

(i) Establishing and maintaining a flyaway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the lot line(s) and extends 10 feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the lot lines in the vicinity of the apiary; or

(ii) A flyaway barrier is not required when:

(A) All hives are more than 10 feet from any lot line; and/or

(B) All hives are elevated to a height of 10 feet or more above ground level.

(d) In addition to any setback to manage flight paths per SHMC 6.04.045(3)(c) and to meet any yard (setback) requirement of the Development Code, all hives must be:

(i) At least 3 feet from all property lines; and

(ii) At least 15 feet from public walkways and streets, and any public outdoor spaces used for, but not limited to, seating, playgrounds, and recreational fields.

(e) Each beekeeper shall ensure that a convenient, on-site source of water is available to the bees at all times during the months of March through October when honeybees forage. Water source should be within fifteen feet of the base of the hive(s), located away from lot lines and toward the interior of the property, where possible.

(f) Each beekeeper shall comply with Oregon Department of Agriculture (ODA) apiary registration requirements, as applicable.

(g) Swarming outside of the Spring season. Swarming is a natural reproduction phenomenon of honeybees that typically occurs in the Spring. Swarming outside of this normal period may be a sign of necessary maintenance of the hives needed to mitigate defensive behavior, including but not limited to addressing overcrowding of hives, requeening, managing the age of the colony, and managing exposed honey, syrup or nectar or wax comb that could encourage robbing by other bees.

(4) The requirements of this Section are in addition to those related to farm use as defined by Chapter 17.16 SHMC and any other applicable laws of the Development Code.