

ORDINANCE 346-2016

AN ORDINANCE AMENDING HUBBARD MUNICIPAL CODE SECTIONS 6.05.020, DEFINITIONS; 6.05.150, EXOTIC ANIMALS PROHIBITED; AND ADDING SECTION 6.05.185, KEEPING BEES.

Findings

A. The City Council of the City of Hubbard find it necessary to amend the sections in Chapter 6.05 of the Hubbard Municipal Code to allow the keeping of bees.

Based on the findings, the City of Hubbard ordains as follows:

Section 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.
- (2) Appliances. Any implement or device used in the manipulating of Honeybees or their brood or colony
- (3) Beekeeping (apiculture). The maintenance of honeybee colonies, commonly in hives.
- (4) Colony. A group of honeybees.
- (5) "Dangerous animal" means any animal generally thought of as "wild" and capable of inflicting injury (such as cougars and boa constrictors – whether owned as pets or not) and including animals which are not dangerous under normal conditions but could become so under abnormal conditions (for example, a rabid dog or unconfined bull).
- (6) Disease. Pests, disease or any condition affecting bees or their brood.
- (7) "Domestic animal" means any animal raised for food, profit or other practical use, including but not limited to farm animals, livestock, poultry, rabbits, and bees.
- (8) Flyway barrier. A barrier which directs the bees quickly into the sky.
- (9) Hive. Any receptacle or container made or prepared for use of honeybees, or box or similar container taken possession of by honeybees.
- (10) Honeybee. Honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature states thereof, together with such material as are deposited into hives by their adults, except honey and beeswax in rendered form

(11) “Keeper” means any person, firm, or association having the custody of or authority to control the animal.

(12) “Livestock” means horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and animals bred commercially or otherwise.

(13) “Owner” means owning, keeping, or harboring an animal.

(14) “Owner of property” means any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

(15) “Poultry” means domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.

(16) “Running at large” means an animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, or not in the company of or under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.

(17) “Wild animal” means any animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.

(18) “Domesticated rabbits” shall mean rabbits kept for personal use.

6.05.150 Exotic animals prohibited.

Subject to ORS 609.205, “exotic animal” as defined in ORS 609.305, no person shall keep or maintain one or more exotic, wild or dangerous animals. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this chapter.

6.05.185 Keeping Bees.

Honey bees 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.

(6) 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.

Section 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 over 24 hours. Honeybees are exempt from this section.

The foregoing ordinance was passed by the City Council and the City of Hubbard this 8th day of March 2016, by the following vote.

AYES: _____
NAYS: _____
ABSENT: _____

WHEREUPON, the Mayor declared the motion to be carried and the ordinance adopted.

Passed and approved by the City Council of the City of Hubbard this 8th day of March 2016

Jim Yonally, Mayor

ATTEST:

Vickie L. Nogle, MMC
Director of Administration/City Recorder

APPROVED BY CITY ATTORNEY:

Beery Elsner and Hammond LLP