

BEEKEEPING ORDINANCE, SAINT HELENS, OR

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City Council Members

I have lived at this address in Saint Helens since 1997 and have enjoyed living in Saint Helens and Columbia County. In 2010, a honeybee swarm landed on a bush in front of my house and a neighbor helped me shake it into a hive and taught me the basics of beekeeping. Soon I entered the Master Beekeeping program at Oregon State University and progressed to being a mentor to new beekeepers in the Oregon Master Beekeeping program. Each year I mentor one to three new beekeepers so that they can raise healthy bees in a nuisance-free manner. Several years ago, Chip Bubl, our Columbia County Extension Agent, asked me to give beekeeping lectures at the extension office. We had such good attendance, that we decided to start our own club. Currently, Columbia County Oregon Beekeepers CCOB is 2 ½ years old and we have a facebook presence of over 300 beekeepers countywide. Chip Bubl and the Master Gardening program continue to call upon me to help the public whenever they get bee related issues. The bee issues could be swarms, beekeepers worried about their honeybee colony's health, honeybees in the walls of residences and outbuildings, bumblebee nests, wasps nests, and all other native bee issues. I am happy to be of service to the public in these matters.

Although, I have a Saint Helens address, our property was in the county until two years ago when we petitioned to annex into the city. When I annexed into the city, I expected that I would be grandfathered in with beekeeping on my 6.6 acre parcel. Finally, I received a Code Violation warning. This Code Violation was from a neighbor's report who noticed that I keep bees. The officer explained to me that she drove up my driveway and could not find my bees (which shows my compliance with best nuisance free beekeeping practices) but sent me the Code Violation warning. She explained that the neighbor had no complaint about my bees. He just wanted to complain that I had bees. In fact, this neighbor would have had to come onto my property secretly in order to even know that I had bees since they are not visible to the public. Indeed, I do keep bees on my land and I am glad that I got the Code Violation so that I can help the city address the issue of backyard beekeeping within the City of Saint Helens.

I understand that Saint Helens is using the document from the League of Oregon Cities to develop beekeeping rules. This document follows the guidance in Residential Beekeeping, Best-Practice Guidelines for Nuisance-Free Beekeeping, an Oregon State University Extension document written in February 2018. Our club uses this document extensively so that our beekeepers learn how to keep bees that do not cause problems. First, I would like to point out that no other animal has a 17 page document which has been turned into city code. After perusing the League's beekeeping guidance, my main concern is how extensive it is which "solves" many imaginary issues which then can waste a lot of the city staff's time. Note that the original

document was written for beekeepers so that they can learn how to keep bees and not be a nuisance to their communities. Many items cannot be made into laws because laws must be enforced. For example, the following is an excerpt from the League of Oregon Cities Model Residential Beekeeping Ordinance which expects to control swarming by keeping space in the hive:

Section 5. Standard of Care.

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

To enforce keeping “space” would require the city to have a dedicated beekeeper on staff who is paid to go and inspect colonies that have swarmed and see if the beekeeper violated the ordinance. If the inspector gets a complaint that a colony swarmed, he or she would then need to open the suspect colonies to determine if the beekeeper did not keep “space”. Unfortunately, once a colony has swarmed, there is a lot of room in the hive so every time the inspector looks into the hive of a “problem”, they will find a roomy hive. This is a well-meaning ordinance but unfortunately it is unenforceable and a waste of City resources.

Another recommended ordinance in the League of Oregon Cities is hive registration:

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 5 or more colonies is \$10 per application plus \$.50 per colony. There is no registration fee for apiaries consisting of less than 5 colonies.

As other cities in Oregon have found, fees charged to institute a registration and inspection protocol will never be recouped in the fee structure. Currently, the Oregon Department of Agriculture has a Colony registration policy. For beekeepers with five or more full size colonies, \$10 is paid per year and fifty cents per colony. Undersized colonies called nucs are exempt. The **purpose** of the Registration fee charged by the Department of Agriculture is to be able to follow pesticide applications which might harm bees and to fund the research into honeybee disease and nutrition at Oregon State University. Every cent paid into this registration goes to The Honeybee Lab at OSU. Yet, the League of Oregon Cities recommends this same registration and fee structure for cities. But what is the purpose? The City of Saint Helens does not require people who keep chickens (which can carry diseases which are communicable to humans) to register their chickens and charge them a fee. Therefore, registering honeybee hives by the city is another administrative task that wastes city officials’ time with little reasoning behind it.

Similarly, notification of neighbors is in the League of Oregon Cities beekeeping ordinances. At first glance, it seems to be a good idea so that it protects neighbors but instead it does nothing “to protect neighbors” and often begins neighbor disputes. Once a neighbor knows there are bees nearby, even if they have never seen the hive, their fear may cause them to make accusations which draw city employees into frivolous complaints. For example, bees fly up to 5 miles to forage on flowers, resins (tree sap), and water. In fact, bees over in Washington come to St Helens gardens. Bees from up on Robinette Rd forage downtown. And Bees from near the Yankton Store can pollinate flowers by the Saint Helens City Hall. Once a person knows a neighbor has bees, he or she becomes sure that the bee sting their child got was from the neighbor and do not think about all the people who have bees right outside the city limits. People who are afraid of bees or who have a legitimate allergy need to be educated that they can protect themselves from bees by eliminating flowers from their yard and lawns (or have flowers that bees do not visit such as daffodils and forsythia). Also, people are much more likely to be stung by a yellow jacket than a honeybee but people do not know the difference (both are small, stripy and yellow). However, once they are stung by the yellow jacket, they are sure that it was from their neighbor’s bees and a feud ensues over which the city employees are drawn in. Honeybees are everywhere. They live in the walls of several city buildings, they live in the hollows of several city trees, they live outside the city where no ordinances control them, and they even live across the river. When a person is stung, one cannot determine from where that honeybee came. Knowing where a honeybee hive is located does not protect a person from bee stings but rather keeping one’s home garden free of flowers that honeybees visit protects a person. As one understands how bees forage over great distances, how an individual homeowner has power over whether bees visit their gardens through their choice of plants, and how fear can lead to neighbor blaming, one can understand why notification of neighbors should not be put into the City code.

Let me take a moment to explain why beekeeping is beneficial. First, there is a community garden near the Senior Center. Most of those vegetables that the community garden grows ends up at the food bank so that our citizens can have good nutrition. Those vegetables are mostly pollinated by honeybees. There are fruit trees in the city that are pollinated for the most part by honeybees. In fact, Big Leaf Maple trees are pollinated by bees. People have private vegetable gardens and depend upon the bees that we backyard beekeepers provide free of charge. If people want their fruit, vegetable and flower gardens, then they need the bees and we backyard beekeepers supply this wonderful service.

Finally, I want to talk about what good municipal code on beekeeping can look like. Let me explain that Columbia City, has a good system that works for them. They have no restrictions on beekeeping and have had no problems. Several beekeepers live in Columbia City and they follow the nuisance free beekeeping guidelines because it is best for them and their bees, not because it is mandated. However, not every city feels the same way and I do think that there are five issues that can be put into code which will help maintain nuisance free beekeeping and they are enforceable.

One, a useful and enforceable issue to have in the beekeeping ordinance is limiting the number of hives per city lot. For example, a seven acre parcel in the city limits can carry more hives than a 3000 square foot lot. I suggest Portland's policy of four hives per city lot under 10,000sq ft, and 6 hives per lot 10,000 sq ft and over, and 10 hives for parcels over one acre. Nucs which are nucleus colonies (very small colonies) should not be counted since nucs are tools in the beekeeping world. In recent years, colonies die, even with excellent practices at between 35-70% rate depending on the year due to pests, diseases, and pesticides. That means for every two colonies a beekeeper needs one nuc just to break even due to colony loss. Also, nucs are used as holding cells for queens. Due to pesticides and disease, queens need to be replaced every year which means that for every colony one nuc is needed just to replace its queen. In fact, the Oregon Department of Agriculture does not include nucs in their registration process.

Two, another good code which is easy to enforce is that bees should be hidden from public view, from the sidewalk and street and have a flyaway barrier. The Flyaway barrier causes the bees to exit their hive and fly upwards into the air above people's heads. It is not good to walk down a sidewalk and have bees flying at your face because they just haven't gotten into the air. Once bees get up above head height, they do not come down until they get to their forage location. The flyaway barrier also serves to hide the hives from public view. I like the Portland Oregon code:

Flyaway barrier

Establish and maintain 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 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. The flyaway barrier is not required if the hive is more than 10 ft. from a property line.

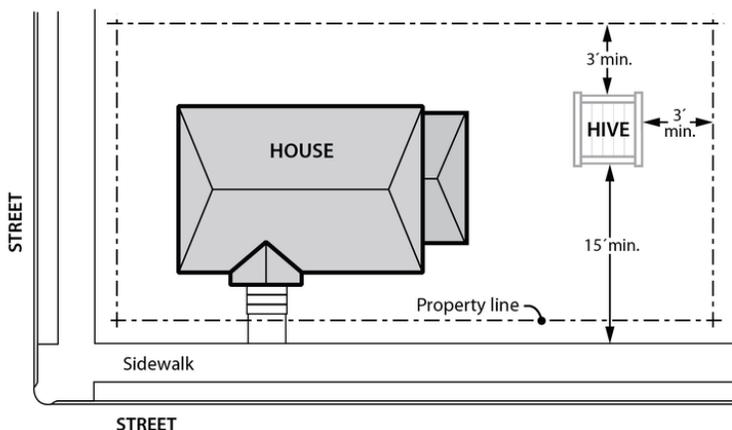
Three, having setbacks is also a good to have in the beekeeping ordinance. I like Portland's code:

Setbacks

Hives must be located at least 3 feet from all property lines.

Hives must be located 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.

Diagram illustrating setback requirements



Four, water is another good requirement. All beekeepers need to keep a water source on their property so that bees get accustomed to it as a water source rather than a neighbor's pool. Again, Portland has a good ordinance:

Water

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

Five, and lastly, I suggest that the city **recommend** backyard beekeepers follow all the guidance in the OSU Extension document Residential Beekeeping Best-Practice Guidelines for Nuisance-Free Beekeeping in Oregon

<https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em9186.pdf>

In conclusion, my above suggestions for the Saint Helens Beekeeping ordinance can be used to hold beekeepers accountable if they are causing a nuisance and a neighbor complains. They do not require that the city hire a beekeeper to inspect hives, and they conserve city resources. They are concrete so the officer in charge of code violations can easily determine if a citation should be given. They also prevent frivolous neighbor complaints and allow beekeepers to provide free pollination to all of our city's gardens and trees. Please let me know if I or Columbia County Oregon Beekeepers can help in any way.

On a personal note, I would like to have my beekeeping situation clarified. Am I grandfathered in to my beekeeping practices since I annexed into the city.

Thank you for your consideration on these topics.

Linda Zahl