

HB 2653 A Relating to Location of Apiaries  
Joint Committee on Ways and Means—Subcommittee on Natural Resources  
Hearing Room 174  
June 10, 2015

Comments and Considerations:

The Oregon State Beekeepers Association understands that the bill as amended is a start towards addressing the issues relating to residential beekeeping. HB 2653 A includes requirements that we agree with and support for the development and distribution of information concerning urban beekeeping, best practices, use of nuisance ordinances and the mitigation of conflicts that may arise between beekeepers, citizens and municipalities.

As just one example of why Oregon needs HB2653 A, I include for your reference a copy of the testimony that we presented to the Hubbard City Council last night, June 9, 2015 concerning their citation of a beekeeper for violation of the City's prohibition on *Exotic Animals*. Hubbard Regulation 6.05.150 prohibits residents from keeping "...*exotic, wild or dangerous animals (that) includes bees kept in a collection of hives or colonies.*" Unfortunately, other Cities have or contemplate rules or regulations that are often based on misinformation and /or the lack of understanding of residential beekeeping.

If passed HB 2653 A will establish written policies for residential beekeeping to include/address:

1. Best practices for residential beekeeping,
2. Recommendations to address the application of nuisance ordinances,
3. Methods for mitigating conflicts involving residential beekeeping,
4. Recommendations concerning government oversight of residential beekeeping,
5. The distribution of the best practices and information on residential beekeeping,
6. The adoption of ordinances consistent with the best practices and recommendations.

Of course there may be few things that we might want to add or to change the wording of, but as a compromise, that the stakeholders have agreed on, we urge you consider and move to accept HB2653 A as presented.

We are pleased by the progress made so far and will continue to work with you and others in the Legislature for a bill that meets the desires and concerns of all of the stakeholders.

Thank you for the opportunity to appear before you.

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The Oregon State Beekeepers Association would like to submit the following for consideration by the Hubbard City Council and provide comments at the Council meeting on June 9, 2015. We will bring extra copies of this letter and informational handouts to the meeting. Thank you for your consideration.

Hubbard City Council  
3720 2<sup>nd</sup> Street, P.O. Box 380  
Hubbard, Oregon 97302

RE: Beekeeping Regulation 6.05.150

The Oregon State Beekeepers Association (OSBA) has an interest in actions and regulations that may affect beekeepers whether they are hobbyists, small scale or commercial operators. Our members consist of beekeepers of all types, located throughout the state. We have been involved in a number of instances where Governmental entities have sought to enforce unduly restrictive existing regulations or have contemplated the adoption of and /or the revision of existing ordinances. Our intent is to provide expertise and assistance to Governmental agencies as they address the keeping of honeybees in the urban environment. We have found that many overly restrictive regulations are based on misinformation and/or a lack of understanding of honeybees and their acceptance into the urban environment. Attached for your reference(and/or available at the Council meeting) is background information about honeybees along with copies of several articles relating to urban beekeeping.

We are aware that Hubbard resident Donald Dreese was notified that he was in violation of Hubbard regulation 6.05.150. We believe that this citation was issued in error for a number of reasons:

1. Mr. Dreese does not have "a collection of hives or colonies". Rather he has only two hives. Regulation 6.05.150 Exotic Animals Prohibited specifically defines ..."wild or dangerous animals to include bees kept in a collection of hives or colonies." Two hives are not a "collection" and therefore, Mr. Dreese's two hives are not subject to the provisions of Regulation 6.05.150.

2. We find that Regulation 6.05.150 is inconsistent and in conflict with other parts of Chapter 6.05. In 6.05.020(3) "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." It seems then that bees are domestic animals that somehow become *exotic* animals in a collection of hives or colonies. This is not reasonable because bees when kept as domestic animals can only be kept as a hive or colony. NOTE: The city does allow domestic animals with conditions.

3. In regulation 6.05.020(5) "Livestock means horses, mules...and animals bred commercially or otherwise". Honeybees are raised and bred by commercial beekeepers and hobbyists and because honeybees are domestic animals(see 6.05.020(3) above), honeybees can also be defined and classified as livestock. This classification is accordance with both U.S. Governmental and Oregon agricultural classifications of honeybees as livestock. The classification of bees in Regulation 6.05.150 as *exotic* if "kept in a collection of hives or colonies" when they can be and are universally, throughout the country, classified as livestock, does not seem reasonable.

4. Regulation 6.05.150 cites ORS 609.205 and 609.305 for the definition of "exotic animal". In neither statute nor anywhere in the Oregon Revised Statutes(ORS) are honeybees classified as *exotic* animals. The inclusion of honeybees into 6.05.150 as *exotic* has no basis under the ORS classification or definitions in ORS 609.205 or 609.305 and we know of no other basis for that inclusion. The exception being that such an inclusion might be understood if it was meant to cover Africanized honeybees. The code writer by using the general(non-specific) term *bees* which includes our mild

mannered European honeybees, along with Bumble bees, Mason bees and other types of bees and thereby, also, including the extremely aggressive Africanized honeybees, however, inappropriately defined all bees as *exotic* if kept in a "collection". This, of course, means that in the City of Hubbard it is also illegal to "keep or maintain" hive boxes for the non-stinging and totally non-aggressive Mason bee. Mason bee colonies are sold at many garden centers and urban residents throughout the country have been encouraged to add them to their yards as one way to offset the reduction and losses of our non-Africanized European honeybees. We do not believe that the City of Hubbard actually intended to "ban" all "bees".

The OSBA suggests that the citation issued to Mr. Dreese be withdrawn, and that parts of Chapter 6.05 be revised. We would be glad to provide whatever assistance we can if you decide to do that. You may also be aware that the Oregon legislature, through House Bill 2653, is looking to address the issues of honeybee keeping in the urban environment. If passed the bill will require the preparation and distribution of guidelines for beekeeping in cities and the enforcement of beekeeping regulations. You may want to wait on revisions to Chapter 6.05 until the products of HB2653 are available. In the meantime may we suggest that you suspend enforcement of Regulation 6.05.150 as it relates to non-Africanized honeybees and other bees. There are other provisions in Chapter 6.05 that would allow the city to address problems with honeybee keeping should such problems arise in the future. These regulations include 6.05.120, 6.05.130, 6.05.170 and 6.05.180.

We appreciate the opportunity to present our concerns about Chapter 6.05 and again offer our assistance to you and your efforts to address this issue.

Thank you,

Ralph M. Rodia, PhD; OSBA Agricultural Liaison Committee

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