

**ORDINANCE 628**  
**CITY OF DAYTON, OREGON**

*An Ordinance Amending Chapter 5 – Abatement of Public Nuisances, of the Dayton Municipal Code to Make Specific Changes to Section 5.2.10 Bee Hives to Amend the Rules regarding the Keeping of Bees, and to Make other Miscellaneous Changes to Chapter 5 regarding Bees.*

**WHEREAS**, the 21<sup>st</sup> century has seen a rapid expansion in the number of cities that sanction beekeeping within residential areas; and

**WHEREAS**, ordinances for beekeeping in urban or residential areas are developed to minimize the potential for negative interface between honeybees and residents, law enforcement, emergency personnel, utility workers, and other within the Dayton city limits; and

**WHEREAS**, with good management practices and proper safeguards, beekeeping can be a safe and suitable activity for residential areas; and

**WHEREAS**, Beekeeping can provide a positive social, environmental and economic impact to the community via healthy food products, recreation, education, enhanced pollination, and home based micro enterprise; and

**WHEREAS**, the City Council desires to amend Chapter 5 – Abatement of Public Nuisance, of the Dayton Municipal Code to make changes to section 5.2.10 Bee Hives to amend the rules regarding the keeping of bees, and to make other miscellaneous changes to Chapter 5 regarding bees as attached in Exhibit A; and

**WHEREAS**, the City Council considered the amendments to Chapter 5 in a public meeting on April 20, 2015; and

**WHEREAS**, on July 6, 2015, the City Council considered the information provided by staff and deliberated on the proposed action.

**The City of Dayton ordains as follows:**

**Section 1.** The City Council hereby adopts Ordinance 628; and

**Section 2.** The City Council adopts the amendments to Chapter 5 of the Dayton Municipal Code attached as Exhibit A and incorporated by reference herein.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this   3rd   day of   August  , 2015.

Mode of Enactment:

Date of first reading: July 6, 2015 by title only.

Date of second reading: August 3, 2015 by title only.

No Council member present at the meeting requested that the ordinance be read in full.

\_\_\_ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

**In Favor:** Collins, Frank, Marquez, Wytoski

**Opposed:** Bixler

**Absent:** Price, Taylor

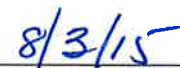
**Abstained:** None

  
\_\_\_\_\_  
Elizabeth Wytoski,  
Mayor

  
\_\_\_\_\_  
Date of Signing

ATTESTED BY:

  
\_\_\_\_\_  
Rochelle Roaden,  
City Recorder

  
\_\_\_\_\_  
Date of Enactment

## EXHIBIT A

### 5.2 Animals

#### 5.2.1 Definitions.

- (a) **Animal.** Any nonhuman mammal, bird, reptile, amphibian, or fish.
- (b) **Apiary.** The assembly of one or more colonies of bees at a single location.
- (c) **Beekeeper.** A person who owns or has charge of one or more colonies of bees.
- (d) **Beekeeping Equipment.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (e) **Colony.** An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- (fb) **Domestic Animal.** An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.
- (ge) **Enforcement Complaint.** That document(s) which, when properly served upon the alleged violator of a City Code which is punishable as a violation, brings the matter before the appropriate court for resolution.
- (hd) **Fowl.** A bird of any kind.
- (i) **Hive.** The receptacle inhabited by a colony that is manufactured for that purpose.
- (j) **Honey Bee.** All life stages of the common domestic honey bee. *Apis mellifera* species.
- (k) **Violation.** An offense or violation of a City Code punishable only by a fine, forfeiture, suspension, or revocation of the registration or other privilege, or other civil penalty.

- (l) **Injury.** Includes, at a minimum, the breaking or scraping of bodily tissue of any person or animal, no matter how slight.
- (m) **Keeper.** Any person, firm, corporation, organization, association, or department possessing, or harboring, or having the care and custody of, or authority to control, an animal.
- (nh) **Livestock.** Horses, mules, jackasses, burros, cattle, sheep goats, donkeys, swine and any fur-bearing animal bred and maintained, commercially or otherwise, within pens, cages and hutches, and generally raised for commercial purposes.
- (of) **Mistreatment.** Improper care of an animal, which includes but is not limited to, abusive treatment, neglect, over driving, overloading, torturing, tormenting, cruel acts, beating, mutilation, deprivation of necessary sustenance and shelter, or abandonment of any animal.
- (pf) **Owner of Property.** 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.
- (qk) **Poultry.** Domestic fowl, including but not limited to, chickens, turkeys, ducks, geese, emu, ostrich or other fowl raised for meat or eggs.
- (rl) **Running at Large.** An animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, and is not in the company of and under the control of, its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement.
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- (s) **Swarm.** Any bee colony not residing in a hive intended for beekeeping.
- (t) **Wild Animal.** An animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.



**5.2.10 Keeping of Honey Bees-Hives within the City Limits.** Is permitted with the following restrictions:

~~No person shall keep a hive or stand of bees less than 150 feet from his or her property line.~~

- (a) The purpose of this section is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) Notwithstanding compliance with the various requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

**5.2.10.1 Registration Required.** Registration with the City is required to keep beehives within the City limits. The City Manager shall provide [applicants with a beekeeping registration process.](#)

**5.2.10.2 General Requirements.**

- (a) Bee colonies shall be kept in hives with removable combs, which shall be kept in good repair, and in sanitary and usable condition. Bee colonies and beekeeping equipment shall not create a nuisance or disturb neighboring residents due to noise, odor, damage, or be a threat to public health in general.
- (b) A water source shall be provided for all bee colonies on the property where the bee colonies are located. The hive shall be raised or mounted in such a way that it does not sit directly upon the ground.
- (c) Hives must be located on private property in backyards or side yards. However, the City Manager may approve hives being located on public property on a case-by-case basis. The intention of approving hives on public property would be for school or educational purposes, or for another public benefit as [approved](#) by the City Manager.

**5.2.10.3 Lot Size and Number of Colonies.** A maximum of three (3) bee colonies are permitted on properties of 10,000 square feet or less and an additional three (3) colonies are permitted for properties over 10,000 square feet.

- (a) Beekeepers who are registered with the City may temporarily house excess swarms of bees when another property has a swarm of bees that the property owner requests be removed from their property. In such instances, beekeepers that acquire excess swarms must remove the swarms from their property within 30 days from the date the swarms are acquired.

#### **5.2.10.4 Setbacks and Flyway Barriers.**

- (a) Hives must be located a minimum of fifteen (15) feet from all public walkways, streets, alleys, or any property line that borders public property. Hives must be also be located a minimum of ten (10) feet from all other adjacent property lines.
- (b) Colonies may be located on a rooftop of a building only where there is permanent, legal access to the roof via permanent stairway or elevator.
- (c) A flyway barrier of 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 thereof, such that bees will fly over rather than through the material to reach the colony.
- (d) Any violation of this section 5.2.10 is a Class C violation. Violations of section 5.2.10 shall be abated per the nuisance abatement procedure set out in section 5.13 of the Dayton Municipal Code.

#### **5.2.13.1 Lot Size.**

Minimum lot sizes for permitted animals are outlined below. Such space requirements shall be in addition to that required for shelters, accessory buildings and homes on the property:

- (a) One horse, one cow, or one potbelly pig for each 10,000 square feet of lot area.
- (b) One sheep or one goat for each 5,000 square feet of lot area. The land required for horses, cows and potbelly pigs shall be in addition to the land required for any sheep or goats and vice versa. *(Amended Ordinance 616 10/7/13 - Effective 11/6/13)*
- (c) Twelve poultry or rabbits (or any combination of the two equaling twelve (12) animals total) may be maintained on a lot in any residential zone as long as the lot is at least 6,000 square feet. *(Amended Ordinance 616 10/7/13 - Effective 11/6/13)*
- ~~(d) Bees shall not be kept on lots of less than one acre.~~

#### **5.2.13.3 Other Requirements.**

All livestock ~~and~~, poultry ~~and bees~~ shall be properly caged and proper sanitation shall be maintained at all times. All animal or poultry food, other than properly bailed and stacked hay, shall be stored in metal or other rodent-proof containers. Animal shelters located closer than 5 feet from any neighboring fence or property line shall provide a barrier between the shelter and the fence or property line that prevents any odor or sanitary nuisances. *(Amended Ordinance 616 10/7/13 - Effective 11/6/13)*

**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** 2<sup>nd</sup> Reading and Adoption of Ordinance 628 Amending Chapter 5 of the Dayton Municipal Code Related to Bees

**Background and Information**

At the April 20<sup>th</sup> work session, the City Council discussed bees. The Council directed staff to provide a new draft ordinance that included the following:

- A maximum of 3 bee colonies permitted on properties up to 10,000 square feet, and an additional 3 colonies for properties over 10,000 square feet.
- 15 foot setback from all public walkways, streets, alleys, etc, and a 10 foot setback from all other property lines.
- Require a flyway barrier.
- Require hives to be registered.
- Allow temporary housing of additional colonies for 30 days.
- Have the ordinance address Honey Bees.
- Provide definitions for colony and hive
- The preface of the draft provided by Councilor Collins should be included in the ordinance recitals.

The City Council approved the first reading of Ordinance 628 at the July 6, 2015 City Council meeting.

**City Manager Recommendation:** I recommend approval of the 2<sup>nd</sup> reading and adoption of Ordinance 628.

**Potential Motion to Approve the 2<sup>nd</sup> Reading of Ordinance 628:** “I move approval of the 2<sup>nd</sup> reading of Ordinance 628 An Ordinance Amending Chapter 5 – Abatement of Public Nuisances, of the Dayton Municipal Code to Make Specific Changes to Section 5.2.10 Bee Hives to Amend the Rules regarding the Keeping of Bees, and to make other miscellaneous changes to Chapter 5 regarding Bees.”

**Potential Motion to Adopt Ordinance 628:** “I move to adopt Ordinance 628 An Ordinance Amending Chapter 5 – Abatement of Public Nuisances, of the Dayton Municipal Code to Make Specific Changes to Section 5.2.10 Bee Hives to Amend the Rules regarding the Keeping of Bees, and to make other miscellaneous changes to Chapter 5 regarding Bees.”

**City Council Options:**

1 – Move approval of the 2<sup>nd</sup> reading and adoption of Ordinance 628.

2 – Take no action and provide staff with further feedback in order to bring a revised draft back to the City Council.