

The Planning Commission for the City of Junction City met on Tuesday, September 18, 2012, at 5:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

**PRESENT WERE:** Commissioners, Brad Lemhouse (Chair), Jeff Haag, Jenna Wheeler (arrived at 5:31 pm), Donna Bernardy, Karen Leach, Sandra Dunn and Jason Thiesfeld; Planning Commission Alternate, Patricia Phelan; Planner, Stacy Clauson; City Administrator, Kevin Watson; City Attorney, Carrie Connelly; ECONorthwest Consultants, Beth Goodman and Bob Parker; and Planning Secretary, Tere Andrews;  
**ABSENT:** None

**I. OPEN MEETING AND REVIEW AGENDA**

Chair Lemhouse opened the meeting at 5:30 pm. (Commission Wheeler arrived) and reviewed the agenda.

**II. PUBLIC COMMENTS (FOR ITEMS NOT ALREADY ON THE AGENDA)**

Ms Patricia Phelan, 920 West 1<sup>st</sup> Avenue expressed her concern about the possibility of allowing roosters as well as chickens.

Mr. Jamie Hooper, 449 Laurel St., Junction City OR 97448 asked if the public comments could be made about the chickens and bees.

Chair Lemhouse replied when they get to that agenda item. The Planning Commission would look at the merits of the issue. He said should the issue move forward, a public hearing would be held at a future meeting.

**III. PLANNING COMMISSION RECRUITMENT**

Planner Clauson reviewed the recruitment process and the applications received. She noted there was an application received earlier today.

Commissioner Leach asked about the deadline of September 11, 2012. And what the minimum residency requirements were to be on the Planning Commission

Planner Clauson replied the 60 days noted in Resolution 1013 was a minimum. There was not a requirement for minimum residency.

The Commission discussed the openings through vacancy and term expirations.

Commissioner Bernardy chose not to re-apply for the Planning Commission. Her term would expire as of October, 2012.

Commissioner Thiesfeld asked Planning Alternate Phelan if she was willing to move into a Planning Commissioner seat.

Alternate Phelan said she was interested.

**Motion:** Commissioner Haag made motion to recommend reappointment of Commissioners Leach and Thiesfeld to their commission seats, appoint Alternate Phelan to the Planning Commission seat being vacated by Commissioner Bernardy and appoint Mr. Kenneth Weaver to an alternate position. The motion was seconded by Commissioner Dunn.

The motion passed with a unanimous vote.

#### IV. CHICKENS AND BEES IN THE CITY LIMITS

Planner Clauson said the issue was brought before the City Council in June, 2012. The Council directed staff to take the question of urban chickens, ducks and/or bees to the Planning Commission.

Chair Lemhouse asked if there were public comments.

Lane County Bee Keepers Society, Ms Judy Share, Eugene OR, her organization recommended a limitation on hives of two (2) and encouraged access to education. There was a master level bee keeper program through the State of Oregon as well as other resources. **Get address and factoid sheet**

Diana Smith, 633 SW Laurel Street, Junction City OR 97448 spoke in support of chicken keeping in the city limits. She suggested looking to other communities which allow chicken keeping.

Commissioner Thiesfeld said there was a website called 'thecitychicken.com' that contained information on city's that allowed chicken/bee keeping. He asked to have the survey monkey put back up on the city website to gather more feedback.

City Administrator suggested using another survey source as survey monkey allowed multiple responses from one individual.

Chair Lemhouse asked what Planner Clauson needed from the Commission this evening. He suggested a work session to begin drafting an ordinance.

Planner Clauson said the timeline provided in the packets could be condensed. She could simply bring back draft regulations.

Commissioner Wheeler asked if the study session was an appropriate time for citizen input.

Planner Clauson said it could be structured that way. Typically a study session was for the commission to review and discuss the issue.

Chair Lemhouse asked if they needed a work session.

Planner Clauson replied she could present various options for the different aspects of chicken and/or bee keeping at a work session.

Commissioner Haag suggested should there be regulations they should be kept simple.

Sterling Biggar, 1535 Juniper Street, Junction City Oregon 97448, said bee keepers can keep the Africanized bees under control in areas that have that type of bee.

Commissioner Bernardy said of the people she spoke with in town most were accepting of beekeeping, they were not supportive of urban chickens.

Chair Lemhouse asked the Commission if there should be public comment during the work session

Commissioner Haag preferred the work session be a time for the Commission to discuss and review the information.

Commissioner Leach asked how other jurisdictions dealt with these issues in regard to rental housing.

Planner Clauson said there was less information available on bees as far as ordinances. There were some model ordinances from advocacy groups.

Chair Lemhouse asked Planner Clauson to contact other Oregon jurisdictions that have bee and/or chicken keeping ordinances to see what their experience had been.

Planner Clauson said the next meeting could be a work session.

The Commission suggested a public hearing could be held in January, 2013.

#### **V. FUTURE AGENDA ITEMS**

Planner Clauson reviewed the following future agenda items. Oregon State Hospital development review application had been received.

The Transportation System Plan update was

#### **VI. COMMISSIONER COMMENTS**

Commissioner Wheeler reminded the Commission to remain professional.

#### **VII. ADJOURNMENT**

**Motion:** Commissioner Wheeler made a motion to adjourn the meeting. The motion was seconded by Commissioner Haag.

**Vote: 6:0:0**

Chair Lemhouse, Commissioners, Haag, Leach, Thiesfeld, Wheeler, Bernardy and Dunn voted in favor.

The meeting was adjourned at 6:21p.m.

The next regularly scheduled Planning Commission meeting would be Tuesday, October \*\*, 2012 at 6:30 p.m.

Respectfully Submitted,

---

Tere Andrews, Planning Secretary

---

Brad Lemhouse, Chair

Draft



## MEMORANDUM

TO: Planning Commission  
FROM: Stacy Clauson, Lane Council of Governments  
DATE: October 9, 2012  
RE: Planning Commission Recruitment - Update

---

### ISSUE:

- Planning Commission Recruitment

### BACKGROUND

There are several Planning Commissioner terms expiring in October, 2012, as follows:

- Commissioner Donna Bernardy
- Commissioner Jason Thiesfeld
- Commissioner Karen Leach
- Alternate Patricia Phelan
- Alternate Vacant Position

On September 18, 2012, the Planning Commission reviewed 4 applications and recommended that the Mayor reappoint Commissioners Jason Thiesfeld and Karen Leach as regular members and appoint current Alternate Member Patricia Phelan as a regular member. In addition, the Planning Commission recommended appointing Kenneth L, Weaver, Ph.D. as an alternate member.

The October 9<sup>th</sup> meeting of the City Council was cancelled. As a result, the Council has not yet acted on the appointment recommendations of the Planning Commission. (Note: Planning Commission members with expiring terms in October are requested to serve in their regular positions at the October meeting, until the Council can take action at their October 23<sup>rd</sup> meeting).

After the September 18, 2012 Planning Commission meeting, the City Clerk received an additional application for the Planning Commission (see Attachment 1). Due to the timing of submittal, this application was not reviewed by the Planning Commission. The application has been provided

The table below shows whether or not Planning Commission applicants and current members reside inside or outside Junction City, City Limits or UGB. All applicants reside in the 97448 zip code.

## 2012 Planning Commission Applicants

First Name	Last Name	City Limits	UGB
Karen	Leach	Yes	Yes
Patricia	Phelan	Yes	Yes
Jason	Thiesfeld	Yes	Yes
Kenneth	Weaver	Yes	Yes
James	Hukill <sup>1</sup>	Yes	Yes

### Current Planning Commission & Alternate (not including vacant positions)

First Name	Last Name	City Limits	UGB	97448 Zip Code
Brad	Lemhouse	Yes	Yes	Yes
Jenna	Wheeler	Yes	Yes	Yes
Sandi	Dunn	No	No	Yes
Jeff	Haag	No	No	Yes

### PC Member Makeup

- At least three (3) in City Limits
- Two (2) anywhere inside the UGB (that includes City Limits)
- Two (2) anywhere inside the 97448 Zip Code

### ACTION REQUESTED

Provide recommendation on Planning Commission appointments, given the latest application submittal

### ATTACHMENTS

1. Planning Commission application

---

<sup>1</sup> Application submitted after Planning Commission meeting and, as a result, has not been reviewed by the Planning Commission



# Junction City Planning Commission Application

**Planning Commission Responsibilities:** The Planning Commission is charged with Junction City's land use planning process. The Commission reviews and makes decisions on specific land use applications such as subdivisions, conditional use permits, and variances. It also recommends amendments to the Comprehensive Plan and land use ordinances to maintain their effectiveness. (See reverse for more information.)

**Time Commitment:** Appointments will be for a four-year term, or in the case of a mid-term vacancy, for the remainder of that term. The Planning Commission meets regularly on the third Tuesday of the month at 6:30 p.m. in the Council Chambers. Special meetings are scheduled as needed.

**Qualifications:** Applications will be considered from people who reside inside the area defined by the 97448 zip code.

**Application Procedures:** To apply for the Planning Commission, complete the information below and submit to City Hall in Junction City. Questions? Call Tere Andrews at 541-998-2153 or e-mail [tandrews@ci.junction-city.or.us](mailto:tandrews@ci.junction-city.or.us).

Name: JAMES N. HUBBILL

Mailing Address: 1382 CLACMONT DR.

City, State, Zip: JUNCTION CITY, OR 97448

Daytime Phone: 541-234-2144 Evening Phone: SAME

E-mail Address: jhubbill@hotmail.com

If your street address is different than your mailing address, please list your street address so we know where you reside.

Street Address: \_\_\_\_\_

Occupation (current or former if retired): Sales/Marketing Mgr. Retired

James N. Hubbill  
Signature

9/24/12  
Date

Please attach a separate letter briefly describing your primary interests in being on the Planning Commission and any experience you think would be helpful in this position.

For Office Use Only

Date Received: \_\_\_\_\_

Appointed: \_\_\_\_\_

9/24/12

Mayor, Junction City

P/O Box 250

Junction City, OR 97448

Re: Junction City Planning Commission Application

Mr. Mayor:

The interest that I have in serving on the Planning Commission is as a new resident. The city seems on the verge of growing, mostly due what the prison brings to this area. The economy seems to be ready for growth as well. Growth is my interest. I would like to see my town grow in a positive manner with input from those that will live with the consequences of decisions made on this committee and city council.

James N. Hukill

1382 Cloudmont DR.

Junction City, OR 97448



## MEMORANDUM

TO: Planning Commission  
FROM: Stacy Clauson, Lane Council of Governments  
DATE: October 9, 2012  
RE: Allowance for Chickens and Other Fowl and Bees on Residential Properties

---

### ISSUE:

- Discuss possibility of allowing Chickens and Other Fowl and bees on residential properties

### BACKGROUND

At the September 18, 2012 Planning Commission meeting, the Planning Commission discussed this issue and confirmed the following schedule for review:

- October 16<sup>th</sup> meeting – Study Session
- November 20<sup>th</sup> meeting – Review of Draft Regulations
- December 18<sup>th</sup> meeting – Review of Amendment(s) (if needed)
- January 15<sup>th</sup> meeting – Public hearing

The Planning Commission requested the following additional information:

- Information on how other jurisdictions dealt with these issues in regard to rental units. (Note: Staff has not identified any jurisdiction that addresses this issue differently by ownership. Staff cautions the Planning Commission that there may be fair housing policies that may limit your ability to address this differently based upon ownership status).
- Contact other Oregon jurisdictions that have bee and/or chicken keeping ordinances to see what their experience had been.

### Background Information

The keeping of farm animals is generally regulated under zoning, including the number and kinds allowed in urban areas. The underlying premise of most of the restrictions on keeping of animals within urban areas relates to keeping them off public property, controlling noise and smell, and providing for adequate living conditions.

Recently some cities have begun to look at urban agricultural policies which address the production of food and keeping of animals. Keeping chickens is allowed in many cities, and some cities allow for livestock and bees to be kept as well. The regulations regarding the keeping of animals typically establish setbacks for chicken coops or animal housing and restrictions on the number of animals that may be kept are nearly always established.

## Beekeeping

Tere Andrews, Planning/Building Technician, contacted Ramesh Sagili, an Apiculturist at the Oregon State University Extension Service, who provided the following general information about beekeeping:

- Queen bees purchased in this area come from HI, CA, TX
- Queens are generally not aggressive
- Preferable location for hive – facing east
- Limit neighbors exposure to hive – face away from them and have tall hedges that put the bees flight path above people’s heads

Ms. Andrews also contacted Harry Vanderpool, Oregon State Beekeepers’ Association, based in Corvallis. Mr. Vanderpool worked with the cities of Salem, McMinnville, Albany, Keizer, and Molalla. Mr. Vanderpool indicated that the majority of those cities decided to handle bee issues through their nuisance ordinance rather than a separate ordinance. This was primarily done because of difficulty with interpretation and in enforcing the ordinance. He also noted that the more complex the ordinance the more unenforceable it is. Mr. Vanderpool did recommend a 5 hive limit.

Finally, Ms. Andrews contacted Mr. Rodia from the Oregon Beekeepers Association, who provided the materials in Attachments 1, 2, and 3 which provide some background information on beekeeping and the drafting of beekeeping regulations.

The following are some issues to consider when evaluating potential rules for keeping bees on residential properties:

- Do you want to allow this?
- If so, where (what zones)?
- How many colonies should be permitted?
- Should a permit be required?
- If a permit is required, who should be responsible for issuing the permit, what public notice should be required, and what should the criteria for issuance be?
- Should there be standards for location of the hives? (e.g. separation from property lines, requirements for a flyway barrier, etc.)?
- Should there be liability insurance provisions?
- Should there be training/education requirements?

Attachment 4 contains a summary of some of the existing provisions that other cities have incorporated into their regulations addressing these items.

Prior to our meeting, staff will attempt to compile feedback from some of the jurisdictions that allow bee keeping to see if there have been any issues with implementation.

## Chickens and other Fowl

As noted in our last meeting, there is a website that provides information on ordinances addressing the keeping of chickens: <http://thecitychicken.com/chickenlaws.html> .

This information is included in Attachment 5.

Attachment 6 contains information that was prepared by advocates for allowing backyard chickens in Salem, when this issue was considered in 2010. Attachment 7 contains a summary of chicken-keeping policies in Oregon, as compiled by the Salem advocates. Their website is available at <http://www.salemchickens.com/index.html>

Based on the information gathered, the following are issues to consider when evaluating potential rules for keeping chickens on residential properties:

- Do you want to allow this?
- If so, where (what zones)?
- How many chickens should be permitted? Should roosters be allowed? Should there be a minimum lot size?
- Should a permit be required?
- If a permit is required, who should be responsible for issuing the permit, what public notice should be required, and what should the criteria for issuance be?
- Should there be standards for location of the chicken coops? (e.g. separation from property lines, dwellings, etc.)?

Attachment 8 provides some additional detailed information on some cities policies.

Attachment 9 contains draft regulations that were provided by the City Administrator for review by the City Council.

This issue has been discussed by City planners participating in the planning listserv. Here are a couple of comments that addressed implementation:

Stayton: In past two years or so as news reports have circulated about Salem and other nearby cities considering allowing small backyard flocks, there have a number of inquiries about keeping laying hens. I have received only one complaint about a neighbor's hens. She was in compliance with our code.

Prineville: I can only think of one time we had to enforce and that was due to a person having far too many chickens running loose in their yard. The neighbor actually started shooting them after the chicken owner harassed his dogs.

Bend: I think we have had fewer complaints about chickens since the code was amended to specify that only hens are allowed (no roosters).

## **ACTION REQUESTED**

Provide direction for staff to draft regulations to bring back to the next Planning Commission meeting.

## **ATTACHMENTS**

1. Backyard Beekeeping
2. Best Management Practices for Beekeeping
3. Model Beekeeping Ordinance
4. Bee Comparative Ordinances - Other Jurisdictions
5. The City Chicken summary of Chicken Ordinances in Oregon
6. A Case for Backyard Chickens in Salem
7. Summary of Chicken-Keeping Policies in Oregon
8. Chicken Comparative Ordinances - Other Jurisdictions
9. DRAFT Chicken Regulations Concept

[ [Home](#) ] [ [Up](#) ] [ [Observation Hives](#) ] [ [Cell-plug Queen Rearing](#) ] [ [Beekeeping History](#) ]  
[ [Overseas Beekeeping](#) ] [ [Top Bar Hives](#) ] [ [Links](#) ]

## John's Beekeeping Notebook

# Backyard Beekeeping

## Notes on Keeping Bees in Urban and Suburban Neighborhoods

Many beekeepers have bee hives in their back yards. Some bees are even kept on city roof-tops. Bees can travel several miles to collect nectar and pollen, so they do not need flowering plants close by. Most suburbs have plenty of flowers, and bees can make a good crop of local honey.



City beekeepers must take special care so their bees do not become a nuisance to neighbors, or even appear to be a problem. We all want good neighborly relations!

Bee stings are usually neighbors' biggest concern. Usually, beekeepers can care for their bees in ways that allow neighbors to feel safe and comfortable in their yards.

### The Fence

A Fence is important for most backyard beekeepers. A six foot high fence or shrubbery can serve several purposes:

- Forces the bees flight path above people's heads. Bees normally



travel in a straight path to their hive, and a fence raises their flight path up over everyone's head. A fence reduces the chance that a bee will accidentally collide with someone walking nearby.

- Creates an "out of sight - out of mind" situation. Some people may be overly concerned about bees in the neighborhood. A fence hides most evidence that managed bees are in the neighborhood.
- Provides wind protection to the hives.

## Water

Honey bees need to collect water, particularly in early spring and during the heat of summer. Bees can be fussy about where they collect water. They seem to love small ponds and creeks. The bees may also drink from a dog's drinking bowl, or a neighbor's bird bath or swimming pool. To deter bees from going to a neighbor's yard for a drink, the suburban beekeeper should provide water for their bees.

Two successful ways to provide water are to (1) Start a small water garden in a half-whiskey barrel with floating plants. The bees seem to love it, since they prefer well-aged water! (2) Use a dripping faucet, with the drips falling on to a wooden board. The dripping faucet is harder to manage, since it must be available at all times when bees are flying so they do not develop a habit of going elsewhere. Bees seem to prefer water that is not TOO close to their hive, so I put a water source at least 20 feet away.



## Swarm Control

There is no practical way to prevent swarming with 100% success. However, swarms are usually very gentle because the bees eat a lot of honey before they swarm.



In the photograph at left, a swarm is scooped up from a neighbor's yard.

Strong colonies with good queens are most likely to swarm. Of course, we want strong colonies. The solution is to keep colonies headed by young queens, less than one year old,

because they will swarm less and tend to be strong too. This requires requeening each year with young queens if swarms are likely to be a problem.

When bees swarm, they typically form a cluster within 100 feet of their old hive while scout bees search for a new home. "Bait hives" are a good way to discourage swarms from going into a neighbor's yard. A bait hive is simply an attractive home waiting for a swarm to discover. A good bait hive can be made from an old hive body or nuc hive that is at least one cubic foot in volume and an opening size of about 1 or 2 square inches. The ideal place to put a bait hive is in a shady, wind-protected place, between 10 and 30 feet from the hives, and about ten feet off the ground such as under the eave of a house or between branches of a tree. Bees also prefer to live someplace where bees have lived before, so a bait hive will be more attractive to the bees if it has an old frame of honey comb in it or otherwise has a good bee-smell.

## Working the Bees

When working inside a hive, it is possible that an angry bee will find an innocent nearby person (other than the beekeeper) to be a suitable target for a sting.



Fortunately, there are ways of preventing that from happening!

The defensiveness of bees is greatly influenced by environmental conditions. A beekeeper who works with the bees when conditions are good will have few, if any, angry bees. The same bees that are gentle on one day can become very defensive on another day. The best conditions to work with the bees are when:

- Most of the field bees are out in the field collecting nectar
- When there is a nectar flow from flowering plants
- When the colony is not under stress from predators, such as wasps.
- When colonies are in direct sunlight
- When the temperature is not very hot (95 degrees F or higher)
- When neighbors are not having a lawn party or mowing their yard

Langstroth's first Bee-keeper's Axiom is a good one to remember: *"Bees gorged with honey are not inclined to sting."* This means that the bees will tend to be gentle when there is a nectar flow, when they swarm and following a light

smoking.

Bees that are accustomed to movement around their hive reportedly are also less likely to be defensive, so having bushes, trees, a flag or other objects that move in a mild wind are worth considering.

Angry bees are sometimes attracted to lights at night. Bees normally do not fly at night, but if a predator or something else has disturbed the hive, a few bees may attempt to sting the neighbor's porch light. It is best if nearby neighbor's outdoor lights are not in direct view of the hive.

"Yellow rain" can be a minor problem to neighbors' cars that are parked within about 50 feet of the hives. The yellow specks that bees leave when they take cleansing flights wash off easily, but can be unsightly if there are a lot of hives in the area.

## **Races of Bees**

Most common strains of bees are gentle enough to keep in a city. In the northern U.S., the Carniolan race is most popular. In the southern U.S. and Mexico, the Italian bee is preferred. If a colony is found to be inclined to sting, it should be requeened with gentle stock.

## **Bees and the Law**

Relatively few communities in the U.S. outlaw beekeeping. However, most have "nuisance laws" that are intended to outlaw things that most people would find objectionable, such as a barking dog or a stinky smell. Some communities have laws that put practical constraints on beekeeping, such as

limits on numbers of hives and a requirement that the beekeeper provide water for the bees.

There will be bees in our cities and towns as long as there are nectar and pollen-producing plants. Outlawing beekeeping tends to replace domesticated bees with wild bees, but does not make bees go away.

Prospective beekeepers should learn about legal restrictions before keeping bees. Regardless of the law, a good beekeeper does not allow his bees to annoy neighbors. Sharing a jar or two of honey helps too!

## **Farm and Garden Apiaries**

Many beekeepers who can not keep bees at home have made arrangements to keep their bees on a nearby farm. Local beekeeping associations can be a good place to find a location to keep bees. Fruit and vegetable gardeners, and gardening clubs, might also know about possible locations, since most gardeners understand the value of pollination.

My bees are at a peach and pear farm. I also have a few colonies in my suburban yard. In the past, I have kept honey bees in the cities of Houston and Dallas, Texas.

---

Tips . . . . [ [Up](#) ] [ [Backyard Beekeeping](#) ] [ [My Bees](#) ] [ [Gadgets](#) ]  
[ [Feeding Bees](#) ] [ [Nucleus Colonies](#) ] [ [Harvesting Honey](#) ]  
[ [Langstroth's Axioms](#) ] [ [You know you're a beekeeper when...](#) ]  
[ [U.S. Honey Yields](#) ]

---

[ [Home](#) ] [ [Up](#) ] [ [Observation Hives](#) ] [ [Cell-plug Queen Rearing](#) ]  
[ [Beekeeping History](#) ] [ [Overseas Beekeeping](#) ] [ [Top Bar Hives](#) ] [ [Links](#) ]

John's Beekeeping Notebook <http://www.outdoorplace.org/beekeeping/> Content from John's Beekeeping Notebook may be used for any non-commercial purpose except internet duplication, providing the source is acknowledged. Created by John Caldeira, Dallas, Texas, USA [john@outdoorplace.org](mailto:john@outdoorplace.org)

# Attachment 1

## BEES

### ANIMALS

602.010 Definitions

602.020 Chief Apiary Inspector

602.090 Registration of bee colonies; fees

602.180 Disposition of fees

602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules

602.990 Penalties

**602.010 Definitions.** As used in this chapter, the term:

(1) “Apiary” and “apiary property” includes bees, honey, beeswax, bee comb, hives, frames and other equipment, appliances and material used in connection with an apiary.

(2) “Appliances” means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary.

(3) “Bees” means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

(4) “Colony” or “colonies of bees” refers to any hive occupied by bees.

(5) “Department” means the State Department of Agriculture.

(6) “Disease” means pests, disease or any condition affecting bees or their brood.

(7) “Hive” means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(8) “Location” means the premises upon which an apiary is located.

(9) “Person” includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of this chapter, in the regular course of business. [Amended by 1961 c.177 §1; 1963 c.65 §1; 1989 c.738 §5; 1993 c.350 §1]

**602.020 Chief Apiary Inspector.** The State Department of Agriculture is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to conduct service work requested by the apiary industry. The administration of the program shall be under the direction and control of the Director of Agriculture. The apiary industry shall pay service fees in amounts established by the department by rule to cover all expenses incurred in the conduct of the program. [Amended by 1961 c.177 §2; 1993 c.350 §2]

**602.030** [Amended by 1953 c.400 §7; 1981 c.164 §1; 1989 c.738 §6; repealed by 1993 c.350 §6]

**602.040** [Amended by 1953 c.400 §7; 1989 c.738 §7; repealed by 1993 c.350 §6]

**602.050** [Amended by 1989 c.738 §8; repealed by 1993 c.350 §6]

**602.060** [Amended by 1953 c.400 §7; 1961 c.177 §3; repealed by 1993 c.350 §6]

# Attachment 1

**602.070** [Amended by 1953 c.400 §7; repealed by 1993 c.350 §6]

**602.080** [Repealed by 1953 c.400 §7]

**602.081** [1961 c.177 §5; repealed by 1993 c.350 §6]

**602.083** [1967 c.123 §2; 1989 c.738 §9; repealed by 1993 c.350 §6]

**602.085** [1967 c.123 §4; 1989 c.738 §10; repealed by 1993 c.350 §6]

**602.087** [1967 c.123 §3; 1989 c.738 §11; repealed by 1993 c.350 §6]

**602.090 Registration of bee colonies; fees.** (1) Every person who owns or is in charge of five or more colonies of bees located within this state, shall cause the colonies to be registered with the State Department of Agriculture as in this section provided.

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each colony of bees owned by the applicant, and shall give the locations of such colonies and the name, address and telephone number of the owner and the name, address and telephone number of the person in charge if the person in charge is not the owner. The registration shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address to which any notice required by this chapter to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact.

(3) The application for registration shall be accompanied by a fee not to exceed \$10. For each registration after July 1, the fee shall not exceed \$20. The department, by rule, shall establish the fees subject to be the maximum limits prescribed in this subsection.

(4) When the ownership of bees which have been subject to the charge provided in this section is changed, the department shall transfer the registration to the new owner without charges. However, if the bees have not been previously registered, the new owner shall pay the registration fee without penalty.

(5) The department shall maintain records of registered beekeepers and the number of colonies registered. [Amended by 1953 c.400 §7; 1961 c.177 §6; 1963 c.65 §2; 1989 c.354 §1; 1991 c.633 §1; 1993 c.350 §3]

**602.100** [Repealed by 1993 c.350 §6]

**602.110** [Repealed by 1993 c.350 §6]

**602.120** [Repealed by 1993 c.350 §6]

**602.130** [Repealed by 1993 c.350 §6]

**602.140** [Amended by 1991 c.249 §60; repealed by 1993 c.350 §6]

**602.150** [Repealed by 1993 c.350 §6]

**602.160** [Repealed by 1993 c.350 §6]

**602.170** [Repealed by 1993 c.350 §6]

**602.180 Disposition of fees.** The State Department of Agriculture shall deposit all fees paid to it under this chapter into the Department of Agriculture Service Fund. Such fees are continuously appropriated to the department for the purpose of administering and enforcing this chapter, including release and publication of information and material to better acquaint the bee industry with the law and regulations promulgated thereunder. [Amended by 1961 c.177 §7; 1979 c.499 §16]

# Attachment 1

**602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules.** In order to prevent and control apiary diseases, the State Department of Agriculture:

- (1) May designate diseases and conditions which threaten the honey bee population in this state.
- (2) May establish by rule treatment programs designed to eradicate or control the disease or condition.
- (3) May establish rules regulating commercial facilities which render diseased wax. [1989 c.738 §2; 1993 c.350 §4; 1993 c.742 §63]

**602.200** [1989 c.738 §3; repealed by 1993 c.350 §6]

**602.210** [1963 c.65 §4; 1989 c.738 §12; repealed by 1993 c.350 §6]

**602.220** [1963 c.65 §5; 1989 c.738 §13; repealed by 1993 c.350 §6]

**602.230** [1963 c.65 §6; 1989 c.738 §14; repealed by 1993 c.350 §6]

**602.240** [1963 c.65 §7; repealed by 1993 c.350 §6]

**602.250** [1963 c.65 §8; repealed by 1993 c.350 §6]

**602.260** [1963 c.65 §9; repealed by 1993 c.350 §6]

**602.270** [1963 c.65 §10; repealed by 1993 c.350 §6]

**602.280** [1963 c.65 §11; 1967 c.637 §20; repealed by 1993 c.350 §6]

**602.300** [1989 c.61 §2; repealed by 1993 c.350 §6 and 1993 c.742 §62]

**602.900** [1989 c.738 §§4,17; 1991 c.734 §53; repealed by 1993 c.350 §6]

**602.990 Penalties.** Subject to ORS 153.022, violation of any of the provisions of ORS 602.090 or 602.190, or any rule adopted pursuant thereto, is a Class B misdemeanor. [Amended by 1993 c.350 §5; 1999 c.1051 §320; 2011 c.597 §245]

# Attachment 1

# Attachment 1

Final:

## **Farm Direct Marketing Rules**

**603-025-0215**

### **Purpose**

This administrative rule recognizes farm direct marketing, including consignment between farm direct marketers, as a modern and accepted method of producing and selling food products, and maintains the integrity of food safety principles as required by state and federal laws. These legislative mandates are accomplished by exempting from licensure and inspection only those that raise their own products, that limit their food processing activities to only those identified by the Legislature as permissible without a license, and that sell to an end user a limited amount of products produced without a license and regulatory oversight.

**603-025-0225**

### **Definitions**

For purposes of this chapter:

(1) "Acidic foods" means a bottled, packaged or canned food product that meets any of the following requirements:

- (a) Having a naturally occurring equilibrium pH of 4.6 or below; or
- (b) Having been lacto-fermented to decrease the equilibrium pH of the food to 4.6 or below; or
- (c) Having a water activity ( $a_w$ ) greater than 0.85 and having been acidified to decrease the equilibrium pH of the food to 4.6 or below.

(2) "Address" means physical street address, city, county, state, and zip code.

(3) "Agricultural producer" means a person, including family members and employees, who grows, raises, and harvests agricultural products to the point at which the products are ready for sale.

(4) "Approved" means conforming to scientific principles, applicable federal laws, and generally recognized industry standards that protect public health.

(5) "Approved source" means a source that is licensed and inspected by a recognized regulatory authority, and whose license is in good standing.

(6) "Commingle" means to mix, pool, or combine agricultural products of more than one agricultural producer prior to the sale of the products.

(7) "Consign" means to send a farm direct product to market to be sold by a farm direct marketer who did not produce the product. Ownership of consigned products remains with the agricultural producer who produced the product until the product is sold to an end user.

- (a) Consignment agreements are limited to farm direct marketers who are from the same county or from adjoining counties.
- (b) A farm direct marketer is prohibited from representing that products offered for sale on consignment are his/her own.
- (c) Farm direct products that may be consigned to a farm direct marketer are limited to:
  - (A) Fruits, vegetables, edible flowers and herbs that are fresh, or cured or dried as a part of routine post-harvest handling;
  - (B) Unshelled nuts that are raw, cured or dried in the shell; and
  - (C) Honey that has not been combined with any other ingredient.
- (d) Shell eggs may be consigned only to a farm direct marketer who is a licensed egg handler.

(8) "Cure" means to ripen naturally or by controlled environmental storage whereby the taste, smell, texture, or appearance of the product is altered without causing the product to become adulterated or

# Attachment 1

Final:

processed to an extent that the product changes significantly from its original form. Examples of agricultural products that may be cured include, but are not limited to: garlic, potatoes, and sweet potatoes.

(9) “Department” means the Oregon Department of Agriculture.

(10) “Farm direct marketer” means an agricultural producer that sells farm direct products or producer processed products directly to the retail consumer.

(11) “Farm direct product” means an agricultural product grown, raised and harvested by an agricultural producer to the point at which the product is ready for direct, retail sale.

(12) “Fresh” means not altered by processing. “Fresh” excludes potentially hazardous foods, including but not limited to, raw seed sprouts of all kinds, raw melons that have been cut in any way, and raw tomatoes that have been cut in any way.

(13) “Lacto-fermented” means food processed by lactobacilli whereby the lactic acid content of the food decreases the equilibrium pH to 4.6 or below. Examples of lacto-fermented products include sauerkraut and kimchi.

(14) “Major food allergens” means the eight most common food allergens defined in the Food Allergen Labeling Protection Act of 2004 (FALCPA). The major food allergens that may be used under the farm direct marketing rules are peanuts, treenuts, soy and wheat.

(15) “Principal ingredients” means the farm direct products that comprise a producer-processed product except for: herbs, spices, salt, vinegar, pectin, lemon or lime juice, honey, and sugar. For example, jalapeño peppers produced by a farm direct marketer would be a principal ingredient in pepper jelly, and tomatoes, onions, peppers, and garlic would be principal ingredients in salsa.

(16) “Producer-processed products” means farm direct products for which an agricultural producer has performed every step necessary to prepare the farm direct products for sale, including but not limited to: processing, bottling, canning and packaging. Every step necessary to prepare the farm direct products for sale will be conducted in a facility located where the farm direct products were grown.

(17) “Retail consumer” means the end user of a product. “Retail consumer” excludes: restaurants, grocery stores, schools, daycare centers, caterers, and other institutions, such as, prisons, hospitals, and nursing homes.

(18) “Water activity” means the measure of free moisture in a product and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

Stat. Auth.: ORS 561.190, ORS 616 & (Enrolled House Bill 2336)

Stat. Implemented: ORS 616.230 & (Enrolled House Bill 2336)

**603-025-0235**

## **Farm Direct Marketer Exemption**

(1) Agricultural products sold by farm direct marketers that are exempt from the licensing requirements in Section (3) are limited to:

(a) Fruits, vegetables, edible flowers and herbs that are:

(A) Fresh; or

(B) Cured or dried by the agricultural producer as part of routine post-harvest handling.

(b) Dried or cured fruits, vegetables, edible flowers and herbs for which drying or curing is not part of routine post-harvest handling, if:

(A) All principal ingredients are grown by the agricultural producer; and

(B) The product is labeled with a list of ingredients and the name and address of the

# Attachment 1

Final:

agricultural producer that produced the ingredients.

- (c) Shelled nuts and unshelled nuts cured or dried by an agricultural producer as part of routine post-harvest handling;
- (d) Shell eggs;
- (e) Honey, only when not combined with other ingredients;
- (f) Whole, hulled, crushed or ground grain, legumes and seeds, if of a type customarily cooked before eating;
- (g) Parched or roasted grains, if of a type customarily cooked before eating;
- (h) Popcorn, nuts, peppers and corn on the cob, if those items are:
  - (A) Roasted at the place of purchase,
  - (B) By a farm direct marketer,
  - (C) After purchase, and
  - (D) Not sold for immediate consumption.

(2) Producer-processed products sold by farm direct marketers that are exempt from the licensing requirements in Section (3) are limited to:

(a) Fruit-based syrups, fruit in syrup, preserves, jams, jellies, processed fruits and processed vegetables that meet all of the following conditions:

(A) They are producer-processed products;

(B) They are acidic foods;

(i) Products having a naturally occurring equilibrium pH of 4.6 or below will be processed in a clean, healthful and sanitary manner;

(ii) Products having been lacto-fermented to decrease the equilibrium pH of the food to 4.6 or below will be processed in a clean, healthful and sanitary manner;

(iii) Products having a water activity ( $a_w$ ) greater than 0.85 and having been acidified to decrease the equilibrium pH of the food to 4.6 or below will be processed in a clean, healthful and sanitary manner using:

(I) A published process and product formulation that has been approved by a recognized process authority. Examples of published processes and product formulations that have been approved by a recognized process authority can be found in:

(I-a) United States Department of Agriculture Complete Guide to Home Canning, 2009 Revision;

(I-b) Pacific Northwest Extension publications. The Pacific Northwest Extension publications are produced cooperatively by Oregon State University, Washington State University, and the University of Idaho; or

(I-c) *So Easy to Preserve*, 5<sup>th</sup> Edition, which is offered by the University of Georgia Cooperative Extension.

(II) Any process and product formulation that has been submitted to, and approved by a recognized process authority. A recognized process authority may be contacted through the Oregon State University, Department of Food Science and Technology Extension Service.

(C) They are labeled with:

(i) A product identity;

(ii) Net weight;

(iii) An ingredient statement that also includes properly declared major food allergens; and

(iv) The name and address of the agricultural producer that produced the principal ingredients and processed the product.

(D) During the preceding calendar year, had annual sales of producer-processed products that in total did not exceed \$20,000.

(i) Bottling, packaging and canning supplies will be made from food grade materials.

(ii) Ingredients other than the principal ingredients are limited to herbs, spices, salt, vinegar, pectin, lemon or lime juice, honey and sugar, and will be:

(I) From an approved source; or

(II) Farmed or produced by the agricultural producer.

# Attachment 1

Final:

(b) Producer-processed products that are exempt from licensure do not include any raw juices.

(3) The provisions of ORS 585.010 to 585.220 (Agricultural Marketing and Warehousing) and ORS 616.695 to 616.755 (Sanitary Regulations for Food and Food Establishments) do not apply to the following:

- (a) A farm direct marketer;
- (b) A consigning agricultural producer; and
- (c) The location(s) used by a farm direct marketer or a consigning agricultural producer to prepare, store, sell, expose for sale, or offer for sale the farm direct marketer's own or consigned agricultural products identified in Sections (1) and (2).

(4) The farm direct marketer exemptions provided in Section (3) may be revoked by the Department when it determines that:

- (a) The location used by a farm direct marketer is not maintained in a clean, healthful and sanitary condition, or
- (b) A farm direct marketer failed to ensure the condition and safety of the food it processed for direct sale.

Stat. Auth.: ORS 561.190, ORS 616 & (Enrolled House Bill 2336)

Stat. Implemented: ORS 616.700, ORS 616.835 & (Enrolled House Bill 2336)

## **603-025-0245**

### **Consignment Sales**

(1) Consigning agricultural producers exempt under OAR 603-025-0235(3)(b) are limited to sales of the following types of agricultural products:

- (a) Fruits, vegetables, edible flowers and herbs that are:
  - (A) Fresh; or
  - (B) Cured or dried by an agricultural producer as part of routine post-harvest handling.
- (b) Unshelled nuts cured or dried in the shell by an agricultural producer as part of routine post-harvest handling;
- (c) Shell eggs, if the agricultural producer selling the consigned eggs is an egg handler licensed under ORS 632.715 (Egg Handler's License);
- (d) Honey, only when not combined with other ingredients.

(2) A consigning agricultural producer will provide a farm direct marketer with documentation to be clearly and conspicuously posted during the sale of the products on consignment. The documentation will include:

- (a) The name of the consigning agricultural producer;
- (b) The product consigned by the consigning agricultural producer;
- (c) The address of the consigning agricultural producer.

(3) A farm direct marketer will maintain separate sales logs for products sold on consignment.

- (a) Sales logs will include, but are not limited to, the following information:
  - (A) The name of the consigning agricultural producer;
  - (B) The contact information of the consigning agricultural producer, including the address and phone number;
  - (C) Item(s) sold on consignment; and
  - (D) Quantity of item(s) sold on consignment.

Stat. Auth.: ORS 561.190 & (Enrolled House Bill 2336)

Stat. Implemented: ORS 616.700, ORS 616.835 & (Enrolled House Bill 2336)

# Attachment 1

Final:

**603-025-0255**

## **Prohibitions; Department Enforcement**

(1) A farm direct marketer will not:

- (a) Sell, offer for sale, or expose for sale foods that are adulterated or misbranded under ORS 616.205 to 616.385 (Sale of Adulterated, Misbranded or Imitation Foods);
- (b) Receive, accept, possess, sell, offer for sale, or expose for sale food from a consigning agricultural producer that is adulterated or misbranded under ORS 616.205 to 616.385 (Sale of Adulterated, Misbranded or Imitation Foods);
- (c) Commingle products;
- (d) Knowingly sell or offer for sale foods covered by the farm direct sales exemption to a person that is not a retail consumer;
  - (A) An agricultural producer extracting only their own honey from 20 or fewer hives and licensed honey producers are exempt from this requirement.
- (e) Sell foods other than those covered by the farm direct sales exemption found at OAR 603-025-0235 without an appropriate license.

(2) The Department may require a farm direct marketer or the entity in control of the location used by farm direct marketers to obtain and maintain a license under ORS 585.010 to 585.220 (Agricultural Marketing and Warehousing), 616.695 to 616.755 (Sanitary Regulations for Food and Food Establishments) for failure to maintain the location in a clean, healthful and sanitary condition in accordance with rules adopted under ORS 616.700 (Department to Enforce Sanitation Requirements for Food and Food Establishments).

Stat. Auth.: ORS 561.190, ORS 616.700 (Enrolled House Bill 2336)

Stat. Implemented: ORS 616.835 & (Enrolled House Bill 2336)

**603-025-0265**

## **Labeling Requirements**

(1) The principal display panel of a producer-processed product as defined by OAR 603-025-0225(15) will contain in a prominent location the following statements in legible, all capital, and bold-face type no less than one-eighth inch:

- (a) **“THIS PRODUCT IS HOMEMADE AND IS NOT PREPARED IN AN INSPECTED FOOD ESTABLISHMENT”** and
- (b) **“NOT FOR RESALE.”**

(2) The principal display panel of shell eggs, grain, legumes, seeds and honey described under OAR 603-025-0235(1)(d) to (g) and 603-025-0245(1)(c) and (d) will contain in a prominent location the following statements in legible, all capital, and bold-face type no less than one-eighth inch:

- (a) **“THIS PRODUCT IS NOT PREPARED IN AN INSPECTED FOOD ESTABLISHMENT”** and
- (b) **“NOT FOR RESALE.”**
- (c) An agricultural producer extracting only their own honey from 20 or fewer hives and licensed honey producers are exempt from the labeling requirements in (a) and (b).

(3) All bottled, packaged and canned food products described under OAR 603-025-0235 will be labeled with all of the following:

- (a) A product identity, which is a truthful or common name of the product that is contained in the package;
- (b) The net weight of the product. Net weight or volume must be in both the US lbs./oz. and metric scale. For example, “Net Wt. 12 oz. (340 g)” for a dry product and “Net Wt. 32 fl. Oz (1 QT) 946 ml” for a liquid product;
- (c) An ingredient statement that properly declares all major food allergens. All ingredients will be listed in descending order of predominance by weight or volume; and

# Attachment 1

Final:

(A) Major food allergens allowed in producer-processed products under this rule are peanuts, tree nuts, soy and wheat;

(B) Major food allergens will be labeled:

(i) Using the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen, for example, if a product contained semolina, the ingredient list could read: semolina (wheat); or

(ii) Using a "Contains" statement to summarize the allergen information in a statement at the end of, or immediately adjacent to, the ingredient list.

(d) The address of the agricultural producer that produced the principal ingredients and bottled, packaged or canned the food products.

(4) When Oregon or the Federal Government has adopted a standard of identity for any labeled product covered by the farm direct marketer exemption, that product will specifically meet those standards of identity found in ORS Chapters 616 (Food and Other Commodities) and 632 (Agricultural and Horticultural Products) and in OAR 603-025-0190 (Standards of Identity).

Stat. Auth.: ORS 561, ORS 616 & (Enrolled House Bill 2336)

Stat. Implemented: ORS 616.835 & (Enrolled House Bill 2336)

## **603-025-0275**

### **Producer-Processed Foods Records**

(1) Raw materials, packaging materials, and finished products that are not in compliance with United States Food and Drug Administration (FDA) regulations may be considered adulterated.

(2) Processing and production records for products having a water activity ( $a_w$ ) greater than 0.85 and having been acidified to decrease the equilibrium pH of the food to 4.6 or below will show that the process and product formulations comply with all critical factors mandated by a recognized process.

(a) To demonstrate compliance with acceptable equilibrium pH measurements, batch-by-batch records of pH meter calibration and batch-by-batch records of finished product testing will be maintained.

(A) Finished product testing will be performed following the requirements of the 2010 version of 21 CFR 114.90(a) and (b) (Methodology). A pH meter or potentiometer is the primary instrument used in determining product pH. Colorimetric methods including, but not limited to, indicator solutions and indicator paper may be used if the equilibrium pH of the product is 4.0 or lower.

(b) Processing and production records will be associated with production dates and batches.

(c) Any deviation from an approved process and the corrective action taken to remedy the deviation will be recorded and maintained.

(A) A product produced with a processing deviation will:

(i) Not be sold for human consumption; or,

(ii) Be permitted for sale for human consumption if the product is reprocessed to rectify the deviation in a manner approved by a recognized process authority.

(3) Farm direct marketers will maintain sales records of products subject to OAR 603-025-0235(2). Sales records will include, but need not be limited to, the following information:

(a) Product(s) sold;

(b) Price;

(c) Quantity sold;

(d) Current, rolling total of year-to-date sales.

(4) Copies of all records required by these administrative rules (OAR 603-025-0225 through 0275) will be retained at the processing facility or other reasonably accessible location for a period of three years from the date of manufacture.

(a) Records will be made available to the Department upon request.

(b) Failure to provide records to the Department upon request may result in the revocation of the farm direct marketer exemption.

# Attachment 1

Final:

Stat Auth.: ORS 616.700 & (Enrolled House Bill 2336)  
Stat. Implemented: (Enrolled House Bill 2336)

# Attachment 1

---

**BEST  
MANAGEMENT  
PRACTICES  
FOR  
BEEKEEPING**

---



**Maine State Beekeepers Association, Inc.**  
[www.mainebeekeepers.org](http://www.mainebeekeepers.org)

## SWARMS AND BEE ENQUIRIES

The list of beekeepers who collect swarms is updated annually. Swarm inquiries from the public may be directed to the Maine Department of Agriculture, to County Extension Offices, or to the Maine State Beekeepers Association. Other general beekeeping questions may be directed to the Maine Department of Agriculture or the Maine State Beekeepers Association. (See page 5 for all contact information.)

## DEFINITIONS

### Apiarist and beekeeper

*A person keeping bees*

### Apiary

*A place where honeybee hives are kept*

### Apiculture and Beekeeping

*The management of beehives*

### Honeycomb

*Removable frames, containing wax cells which house honey, pollen, and/or brood (eggs, larvae, pupae)*

### Honey flow

*The gathering of nectar from flora by honeybees*

### Honey extraction

*The removal of honey from combs*

### Beehive

*Removable framed housing for a honeybee colony*

### Bee sting

*Injury sustained and inflicted by a worker honeybee*

### Brand

*Identification for marking frames and hives*

### Flight path

*The distinct route taken by many bees leaving from or returning to their hive*

### Foraging bees

*Bees seeking water or food. Bees naturally forage flowers for nectar and pollen.*

*In abnormal circumstances, when natural sources of food and water are scarce, bees may forage supplies of animal feed, water, or protein.*

### Hive

*A honeybee hive, being a nucleus colony or a standard size colony*

### Package bees

*A number of adult bees, with or without a queen, contained in a ventilated shipping cage transported via USPS or other carriers.*

### Pollination

*The transfer of pollen by honeybees from anthers to stigmas of flowers for the purpose of plant fertilization*

### Robbing

*Bees attempting to access honey stored or spilled in another hive.*

### Strang hive

*A populous honeybee colony*

### Super

*Box or boxes containing frames placed above the bottom, or brood, box*

### Swarm

*Cluster or flying mass of honeybees including workers, queen, and drones*

### Water Supply

*Taps, hoses, pools, hot tubs, streams, ponds, puddles, etc.*

**HIVE DENSITIES**

One of the primary limitations to keeping bees is the real or perceived interaction between the bees and the people who live in or use the surrounding area. To overcome this problem, a hive density limit is proposed that minimizes potential conflict between people and honeybees, assuming that beekeepers follow the management practices outlined in this document. (In the recommendations below, "undeveloped property" means any idle land that has no structures or facilities intended for human use or occupancy. Property used exclusively for streets, highways, or commercial agriculture is considered undeveloped property.)

**NUMBER OF HIVES IN RELATION TO LOT SIZE**

<u>Lot/Acreage</u>	<u>Number of Colonies</u>
up to 1/4 acre <i>(1/4 acre = 10,890 sq. ft., roughly 50 ft. x 215 ft.)</i>	2 colonies
more than 1/4 acre, less than 1/2 acre <i>(1/2 acre = 21,780 sq. ft., roughly 100 ft. x 218 ft.)</i>	4 colonies
more than 1/2 acre, less than 1 acre <i>(1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.)</i>	6 colonies
1 acre or more	8 colonies

Regardless of lot size: If all hives are situated at least 200 feet in any direction from all property lines of the lot on which the apiary is situated, no limit on the number of hives.

Regardless of lot size: As long as all adjoining property that falls within a 200-foot radius of any hive is undeveloped property, no limit on the number of hives.

**HIVE PLACEMENT**

Correct placement of hives is a most important consideration for responsible beekeeping in urban/suburban situations. Hives must be in a quiet area of the lot, not placed directly against a neighboring property unless a solid fence or impenetrable vegetative barrier not less than six feet high forms the property boundary. Keep hives as far away as possible from roads, sidewalks, and rights of way.

Hive entrances should face in such a direction that bees fly across your property. If this is impossible, use barriers (hedges, shrubs, or fencing six to twelve feet high) to redirect the bees' flight pattern.

**SWARMING**

Swarming is a natural instinct of honeybees that occurs chiefly from spring to early summer. Swarms should be collected to prevent their becoming a nuisance. Honeybee colonies can and should be managed to prevent or minimize swarming. For example, brood chamber manipulation, colony division, adding supers for brood rearing and honey storage, and replacing old or failing queens can all reduce the swarming impulse. These and other management practices to control swarming are explained in detail in good beekeeping textbooks. Beekeepers who learn of a swarm should take reasonable measures to see that the swarm is retrieved.

## **PROVISION OF WATER**

Beekeepers should provide water for their bees before locating them in their yard. Bees prefer a sunny place with surface moisture, for example wet sand or gravel or the edge of a birdbath. If you establish such water sources, your bees will become habituated to them and will be less likely to visit swimming pools or hot tubs. Remember that in very hot weather, bees use a large amount of water to maintain temperature and humidity within the hive.

## **QUEENS**

In any instance that a colony exhibits unusual defensive characteristics (stinging or attempting to sting without provocation) or exhibits a frequent tendency to swarm, it is the beekeeper's duty to requeen from European stock.

## **ROBBING BEHAVIOR**

When nectar is scarce, honeybees may rob honey from other hives. Under such conditions, beekeepers should work hives for only a very short time, if at all. Exposing honey (especially sticky honeycombs) outdoors often encourages robbing. All spilled honey should be cleaned up immediately. To prevent robbing, buildings and trailers used for honey extraction must be made beeproof, as far as is practicable.

## **DISEASE CONTROL**

There are a number of honeybee diseases and pests, of which American Foulbrood (AFB) is the most serious. Beekeepers should be extremely cautious about mixing hive equipment or purchasing hives from sources that are not certain to be AFB-free. (Contact the Maine Department of Agriculture to have used beekeeping equipment inspected.) Finally, it is incumbent on beekeepers to manage parasitic mites and other pests responsibly for both colony health and honey quality.

## **TRANSPORTATION OF HIVES**

Beekeepers must take appropriate care when transporting hives of honeybees. All loads of hives and supers of honey must be secured in accordance with Maine Department of Transportation regulations. Bees being transported should have entrance screens or be secured under netting.

## **RECOMMENDATIONS FOR CONSIDERATE HIVE MANAGEMENT**

Beekeepers should take into account that weather conditions influence bee behavior and plan to work bees when conditions are favorable. They should make sure that neighbors are not working or relaxing outdoors when they open hives and should try to perform hive manipulations as quickly as possible, with minimum disturbance to the bees. Extended hive manipulations, particularly removing honey, should be carefully planned to accommodate neighbors' activities. Beekeepers should use smoke when working bees and should smoke hive entrances before mowing or trimming in the hive area. Clippings and exhaust should be directed away from hive entrances.

## Attachment 2

### ADDITIONAL INFORMATION

#### MAINE STATE BEEKEEPERS ASSOCIATION

For a current list of officers and directors go to [www.mainebeekeepers.org](http://www.mainebeekeepers.org)

#### MAINE DEPARTMENT OF AGRICULTURE

Division of Plant Industry

28 State House Station

Augusta, ME 04333-0028

(207) 287-3891

Anthony M. Jadczyk, State Apiarist

[anthony.m.jadczyk@maine.gov](mailto:anthony.m.jadczyk@maine.gov)

#### COOPERATIVE EXTENSION OFFICES

For information on all county extension offices:

University of Maine Cooperative Extension

5741 Libby Hall

Orono, ME 04469-5741

(207) 581-3188

1-800-287-0274 (in Maine)

[www.umcxt.maine.edu/counties/county.htm](http://www.umcxt.maine.edu/counties/county.htm)

### ACKNOWLEDGEMENTS

The Maine State Beekeepers Association gratefully acknowledges our debt to the *Code of Practice for Urban Beekeeping in Queensland* (<http://www2.dpi.qld.gov.au/bees/16815.html>), published by the Department of Primary Industries and Fisheries, Queensland, Australia ([www.dpi.qld.gov.au](http://www.dpi.qld.gov.au)), and to the *Model Beekeeping Ordinance for Louisiana Local and Municipal Governments*, published by the Louisiana State University Agricultural Center.

Information is provided in this document as general advice on sound beekeeping practices. Beekeepers, local authorities, and others should seek professional advice on specific issues and situations.

© 2007, *Maine State Beekeepers Association, Inc.*



# CREATING A MODEL BEEKEEPING ORDINANCE

## PART 1 OF THREE PARTS



by SYLVIA A. EZENWA, J.D.



Sylvia A. Ezenwa, J.D.

In Letters to the Editor, in the November 2006 issue of American Bee Journal (Volume 146, No. 11), the Minnesota Hobby Beekeepers Association requested help from people worldwide in researching current and former beekeeping laws. Apparently, several cities in the State of Minnesota have been considering enacting ordinances either limiting or eliminating the keeping of honey bee colonies in their respective cities. Although, through education, the Association has thus far been successful in stopping any new ordinances, its goal is to create a model ordinance, if needed.

**W**hen is a model ordinance needed? To answer, understand that an “ordinance” is a municipal or local government law or statute, passed or “enacted” by a city council or equivalent municipal or local government body (e.g., town board), which governs matters affecting the municipality (e.g., zoning, building, and safety), that are not already covered by federal or state law. However, city council members are probably not beekeepers! Therefore, in order for them to enact a law placing specific restrictions and requirements on beekeeping, that are based on proven honey bee behavior and biology, and not on the negative media stereotype of aggressive or killer bees, they will need advice from you—area beekeepers and state or local beekeeping associations. That advice can be given in the form of a pattern or “model” beekeeping ordinance that you create, in which you propose beekeeping restrictions and requirements that DO address the city’s interest in protecting public health and safety, but are nonetheless FAIR to beekeepers, and not potentially ruinous to their hobby, sideline, or commercial operations.

The goal is to create a model ordinance that contains beekeeping restrictions and requirements which strike the proper balance between public health and safety, and fairness to beekeepers, in the hope that a city council will subsequently adopt some or all

of your (beekeepers’) model when enacting an official version of the law.

### STEP ONE: Follow basic rules

When creating a model beekeeping ordinance, the first step is to follow four basic rules:

1. **Provide** beekeeper’s rights and responsibilities in language that is clear and easily understood.<sup>4</sup>
2. **Organize** those rights and responsibilities into separate sections that can be found by users quickly and easily.<sup>5</sup>
3. **Begin** with a “Definitions” section that allows users to look up beekeeping terms, like “apiary,” and “colony” or “hive,” used in the ordinance.<sup>6</sup>
4. **End** with an “Enforcement” or “Compliance” section that: (i) imposes penalties for violating or failing to comply with the ordinance; and (ii) provides a mechanism for beekeepers to seek review or “appeal” of an adverse local government decision.<sup>7</sup> This section should make it clear that the opportunity to challenge an adverse decision is a right that has been granted to each beekeeper (e.g., a right to appeal to a zoning board of appeals a decision by a zoning inspector that you are keeping bees in violation of a mu-

nicipal zoning ordinance; or the right to request a hearing upon receipt of written notice by a city health officer that your bees constitute a public nuisance.<sup>8</sup>)

**TIP:** Before attempting to draft an “Enforcement” or “Compliance” section, please familiarize yourself with common administrative and judicial review procedures involved in resolving zoning and nuisance conflicts, by reading Chapters 4 and 5 of *HONEY BEE LAW: PRINCIPLES AND PRACTICE* By Sylvia A. Ezenwa, J.D. (The A.I. Root Company 2005), available at <http://www.beeeculture.com/store/>, or call 1-800-289-7668.

### STEP TWO: Use good neighbor practices

So you begin with a section on “Definitions,” and end with one on “Enforcement” or “Compliance,” but what kinds of restrictions and requirements on beekeeping should make up the body of your ordinance? Understand, that any restrictions or requirements that you come up with will really represent each beekeeper’s **responsibilities** under the law. In other words, each beekeeper will have a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement. For example, in a particular municipality, a beekeeper may have a responsibility

life-threatening allergic or anaphylactic shock reaction.

Learn which, if any, of the neighbors (or their visiting family members) are truly allergic to bee stings.

- Obtain an insurance policy that provides coverage for damage, death, or injuries that are caused by the bees to any third party, regardless of whether the damage, death, or injury occurs on a neighbor's or on the beekeeper's property.

#### PART VIII: GUIDELINES FOR BEEKEEPER-GOVERNMENT RELATIONS

- Register the colonies or apiary with the state agricultural official or agency, when required by law.
- Comply with all local, state, and federal laws regulating beekeeping.
- Keep detailed records of all colony management activities, including robbing and swarming prevention measures. The records may serve as documentary evidence in administrative and judicial proceedings involving a beekeeping operation.<sup>10</sup>

As I said, good neighbor practices can and should be used as the basis for any beekeeping restrictions and requirements to appear in the body of your model ordinance. But do not just rely on this list. Instead, also research good neighbor practices lists created by other reputable sources, like U.S. Department of Agriculture's Cooperative Extension System Offices (locate offices in your state at <http://www.csreea.usda.gov/Extension/index.html> (last visited Jan. 11, 2007)), and how-to beekeeping books and web sites. Check out the following:

- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at <http://edis.ifas.ufl.edu/AA137> (last visited Jan. 4, 2007).
- Dr. Ken Lightle, Ph.D., *Buckeye Bee Basic Beekeeping Course* ch. 7, available at <http://www.buckeyebee.com/basic.html> (last visited Jan. 11, 2007) (also a great source of information on bee biology and behavior).

The purpose of researching good neighbor practices is to eventually use them to develop beekeeping restrictions and requirements covering some or all of the following areas: location or placement of colonies; provision of a water source; positioning of colonies; manipulation of flight patterns; prevention of overcrowding; working of bees; beekeeper-neighbor interactions (including notification requirements); and beekeeper-government relations (including registration requirements).

Considering that an "ordinance" is a municipal or local government law, any ordinance you create will have to contain

## Attachment 3

some legal terminology, and incorporate some legal theories and concepts, which means that, if you choose not to hire a lawyer to help, you will definitely have to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to use good neighbor practices to develop restrictions and requirements appropriate for your own city. In Step Three (in Part 2 of the article), I discuss where to find such laws, and explain how best to use them.

#### References:

1. Dan Malmgren, *Looking For Beekeeping Laws*, Letters to the Editor, *AMERICAN BEE JOURNAL*, Vol. 146, No. 11, at p. 898 (November 2006).
2. *Id.*
3. Black's Law Dictionary 1097, 1017 (6<sup>th</sup> ed. 1990).
4. Rebecca F. Wisch, *Overview of Municipal Animal Control Ordinances*, Animal Legal & Historical Center, Michigan State University College of Law (2005), available at <http://www.animallaw.info/articles/ovusodmunicipalordinances.htm> (last accessed Jan. 4, 2007).
5. *Id.*
6. *Id.*
7. *Id.*
8. Sylvia A. Ezenwa, J.D., *HONEY BEE LAW: PRINCIPLES AND PRACTICE* 64, 72-76 (The A.I. Root Company 2005).
9. Sylvia A. Ezenwa, J.D., *HONEY BEE LAW: PRINCIPLES AND PRACTICE* 85-86, 87-91 (The A.I. Root Company 2005).
10. Sylvia A. Ezenwa, J.D., *HONEY BEE LAW: PRINCIPLES AND PRACTICE* 140-143 (The A.I. Root Company 2005).

*BIOGRAPHY: Sylvia A. Ezenwa is an attorney and writer based in Wyoming. She is licensed to practice law in the State of Texas.*

*DISCLAIMER: The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.*

# Attachment 3



The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.

The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.



The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.

The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.

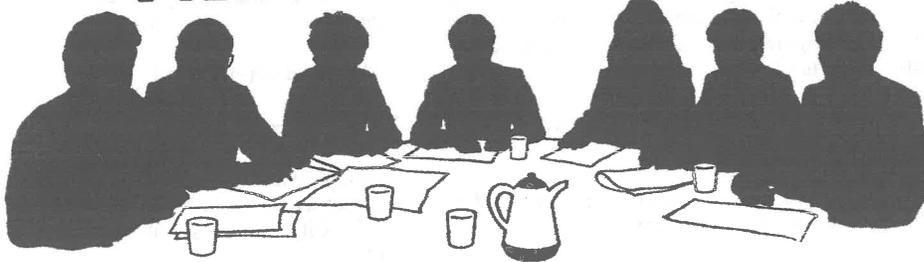


The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.

The aerial photograph shows a large, irregularly shaped landmass in the center, surrounded by water. The landmass has a complex, jagged coastline with many inlets and peninsulas. The surrounding water is dark, and there are some lighter patches of land or vegetation visible in the distance.

# CREATING A MODEL BEEKEEPING ORDINANCE

## PART 2 OF THREE PARTS



by SYLVIA A. EZENWA, J.D.

Sylvia A. Ezenwa, J.D.

In Part 1 of this article (*American Bee Journal*, Vol. 137, No. 4 (April 2007)), I explained that, because the beekeeping restrictions and requirements in an ordinance really represent each beekeeper's responsibilities under the law (i.e., each beekeeper has a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement), they should be based on industry-accepted good neighbor practices.

But considering that an "ordinance" is a municipal or local government law, any ordinance that is created will ultimately have to contain some legal terminology, and incorporate some legal theories and concepts. Therefore, if *you*—area beekeepers and state and local beekeeping associations—choose not to hire a lawyer to help, you will definitely have to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to both follow the basic rules (given in Step One) and use good neighbor practices (listed in Step Two) to develop beekeeping restrictions and requirements appropriate for your own city.

### STEP THREE: Look at beekeeping ordinances

A good source of model beekeeping ordinances is state agricultural agencies. Perhaps because of concerns about Africanized honey bee spread and control, the State of Florida is at the forefront. The Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Apiary Inspection Program, has created a *Model Beekeeping Ordinance For Florida (Local and Municipal) Governments*, available at [http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep\\_ord.pdf](http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep_ord.pdf) (last visited Jan. 4, 2007), and reprinted here with permission of Jerry Hayes, chief of Apiary Inspection:

### MODEL BEEKEEPING ORDINANCE

*For Florida (Local and  
Municipal) Governments*

Whereas, honey bees are beneficial to mankind and to Florida in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products; and

Whereas, Florida is among the leading states in honey production and honey bee assisted agricultural products through out the United States and the World; and

Whereas, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain; and

Whereas, gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained:

Now, Therefore, Be It Ordained and Enacted By

\_\_\_\_\_  
Name of Governmental Entity

**Section 1.** That the finding contained in the preamble of this ordinance is hereby adopted as a part of this ordinance.

**Section 2.** That Chapter No. (Health) of the Code of Ordinances,

\_\_\_\_\_, Florida, is hereby amended by adding a new article No., which reads as follows:

#### Definitions:

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. Apiary means the assembly of one or more colonies of bees at a single location.
2. Beekeeper means a person who owns or has charge of one or more colonies of bees.
3. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
4. Colony or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.
5. Honey bee means all life stages of the common domestic honey bee, *Apis mellifera* species.
6. Tract means a contiguous parcel of land under common ownership.
7. Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

**Certain Conduct Declared Unlawful**

(a) The purpose of this article 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 article, it shall be unlawful for any beekeepers 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.

**Hive Registration**

All honey bee colonies shall be registered with the Florida Department of Agriculture and Consumer Services.

**Hive Type**

All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

**Fencing of Flyways**

In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

**Water**

Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

**General Maintenance**

Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

**Queens**

All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an

unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.

**Colony Densities**

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

- 1. one quarter acre or less tract size - 2 colonies,
- 2. more than one-quarter acre but less than one-half acre tract size— 4 colonies.
- 3. more than one-half acre but less than one acre tract size - 6 colonies.
- 4. one acre or larger tract size - 8 colonies,
- 5. regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- 6. regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive, remains undeveloped property, there shall be no limit to the number of colonies.

(b) In addition to State of Florida Apiary Inspection Law regarding identification of honey bee hives: the beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(c) Unless marked in accordance with subsection (a) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

**Inspection**

Each Florida Apiary shall be inspected and a report issued by an authorized representative of the Department at such intervals as the Department deems best for detection of honey bee pests and unwanted races of honey bees.

**Compliance**

(a) Upon receipt of information that any colony situated within the city is not being

kept in compliance with this article, the director shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeepers.

(b) The notice of hearing shall set forth:

- 1. the date, time, and place at which the hearing will be conducted
- 2. the violation(s) alleged
- 3. that the beekeeper may appear in person or through counsel, present evidence, cross-examine witnesses and request a court reporter as provided by Rule No. \_\_\_\_\_ of the City council's Rule of Procedure, and
- 4. that the bees may be ordered destroyed or removed from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States mail or personal delivery. However, if the health officer is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five days before the date of the hearing.

(c) The hearing shall be conducted by the director or a health officer that he may designate. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article, then he may order that the bees be destroyed or removed from the city, not to exceed 20 days and that bees not thereafter be kept upon the tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the health officer may cause the bees to be destroyed and the hives structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

(d) The decision of the hearing officer may be appealed in accordance with the provision of Rule No. \_\_\_\_\_ of the City Council's Rules and Procedures by filing a notice of appeal with the city secretary within 10 days following the date that the

hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within 15 days following at the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not stay in the hearing officer's decision, and it shall not be the responsibility of the beekeeper to remove the bees from the city pending the determination of the appeal.

(e) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

**Section 3.** If any provisions, section, subsection, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be servable for the purpose.

**Section 4.** This ordinance shall become effective at \_\_\_\_\_ (hour) on \_\_\_\_\_ (date).

**Section 5.** There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall be passed finally on such date and shall take effect as provided in Section 4, above.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature of Mayor

Florida's Model Ordinance may be more comprehensive than those being considered by municipalities in other States, particularly in States with temperate climates, not yet infested by Africanized honey bees. But compare with the much simpler model by Malcolm T. Sanford in *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at <http://edis.ifas.ufl.edu/AA137> (last visited Jan. 4, 2007).

Also, the Animal Legal & Historical Center ([www.animallaw.info](http://www.animallaw.info)) has provid-

**Attachment 3**  
Control Ordinances, with ordinances for two municipalities—one large, and one small or more recent—given for each state, available at <http://www.animallaw.info/articles/arpusmunicipalordinances.htm> (last visited Jan. 4, 2007).

To make best use of such ordinances:

1. Look, at a minimum, at one comprehensive (e.g., Florida's) and one simpler (e.g., Dr. Sanford's) model ordinance, as well as one municipal ordinance from a large municipality and one from a smaller one.
2. Select several ordinances which contain the kinds of beekeeping restrictions and requirements that you feel would be appropriate for your own city.
3. Use the ordinances you have selected as patterns or models for the one you will create, by modifying (if necessary) their restrictions and requirements to fit the particular size

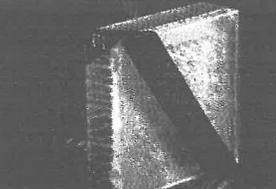
(square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area<sup>1</sup>), topography, and other characteristics of your own city. In Step Four (in Part 3 of the article), I will discuss how, and the proper forum in which to do this.

**References:**

1. Black's Law Dictionary 1618 (6th ed. 1990).

**BIOGRAPHY:** Sylvia A. Ezenwa is an attorney and writer based in Wyoming. She is licensed to practice law in the State of Texas.

**DISCLAIMER:** The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.

 <p><b>Comb Honey</b></p> <p>40 interlocking cassettes with wax coated embossed foundation</p> <p><b>MAJOR LABOR SAVING UNCOMMON MARKET APPEAL</b></p> <p>The elegance of natural honeycomb displayed as never before</p>	<p>For a free 20 minute instructional DVD, contact <a href="mailto:thomasahogg@aol.com">thomasahogg@aol.com</a></p> <p>The DVD describes the two main components shown here.</p> <p>Together they make possible a revolutionary new system in which all unnecessary labor inherent in comb honey systems is eliminated.</p> <p>You won't believe the speed and ease of loading and unloading supers.</p> 	<p><b>The Hogg Halfcomb</b></p>  <p>Standard 4 3/4" honey super with an inexpensive conversion kit</p> <p><b>VISIT <a href="http://WWW.HALFCOMB.COM">WWW.HALFCOMB.COM</a></b></p> <p>-Click on Availability for quantity and retail purchase -Click on Advantages for merits of an all new system</p> <p>1700 Bronson Way 321 Kalamazoo, MI, 49009 <a href="mailto:Halfcomb@aol.com">Halfcomb@aol.com</a> 269-381-4712</p>
---	---	--

## Browning Cut Stock

**Boxes are Ponderosa Pine/Corners are notched.**

**9-5/8 Com. Boxes \$8.05 / Budget Boxes \$6.50**

**7-5/8 Com. Boxes \$7.20 / Budget Boxes \$6.20**

**6-5/8 & 5-11/16 Com. Supers \$5.50 / Budget \$5.15**

**5 Frame Com. Nuc Boxes \$7.45 / Budget \$5.95**

**9-1/8 #1 Frames \$.50 / All other sizes \$.48**

**1-3/4 Cleats \$.22, Bottom Bars \$.12**

**Top Bars \$.20, End Bars \$.12**

*We Now Carry Pierco Wax Coated Foundations.  
Call for Price.*

**1571 Hwy. 3 • Juliaetta, ID 83535**

**Phone 208.276.3494 FAX 3491**

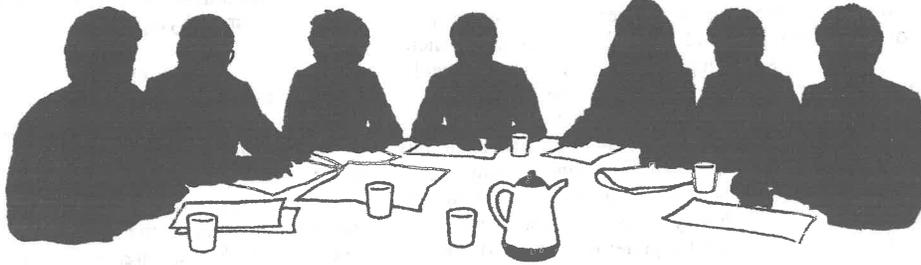
# Attachment 3

# Attachment 3

# CREATING A MODEL

# BEEKEEPING ORDINANCE

## PART 3 OF THREE PARTS



by SYLVIA A. EZENWA, J.D.



Sylvia A. Ezenwa, J.D.

In this Part, I conclude my discussion of the process whereby *you*—area beekeepers and state and local beekeeping associations—can create a model beekeeping ordinance. The goal, of course, is for you to create a model ordinance that contains beekeeping restrictions and requirements which strike the proper balance between public health and safety, and fairness to beekeepers, in the hope that a city council will subsequently adopt some or all of your (beekeepers') model when enacting an official version of the law.

Before discussing Step Four, the final step of the process, let's review the previous three steps, along with tips to help you along.

In Step One, in Part 1 of the article (*American Bee Journal*, Vol. 137, No. 4 (April 2007)), I gave four basic rules to follow:

1. Provide beekeeper's rights and responsibilities in language that is clear and easily understood.<sup>1</sup>
2. Organize those rights and responsibilities into separate sections that can be found by users quickly and easily.<sup>2</sup>
3. Begin with a "Definitions" section that allows users to look up beekeeping terms, like "apiary," and "colony" or "hive," used in the ordinance.<sup>3</sup>
4. End with an "Enforcement" or "Compliance" section that: (i) imposes penalties for violating or failing to comply with the ordinance; and (ii) provides a mechanism for beekeepers to seek review or "appeal" of an adverse local government decision.<sup>4</sup> This section should make it clear that the opportunity to challenge an adverse decision is a right that has been granted to each beekeeper (e.g., a right to appeal to a zoning board of appeals a decision by a zoning inspector that you are

keeping bees in violation of a municipal zoning ordinance<sup>5</sup>; or the right to request a hearing upon receipt of written notice by a city health officer that your bees constitute a public nuisance.<sup>6</sup>)

**TIP:** Before attempting to create an "Enforcement" or "Compliance" section, please familiarize yourself with common administrative and judicial review procedures involved in resolving zoning and nuisance conflicts, by reading Chapters 4 and 5 of *HONEY BEE LAW: PRINCIPLES AND PRACTICE* By Sylvia A. Ezenwa, J.D. (The A.I. Root Company 2005), available at <http://www.beeeculture.com/store/>, or call 1-800-289-7668.

In Step Two, also in Part 1 of the article, I explained that the beekeeping restrictions and requirements in an ordinance really represent each beekeeper's responsibilities under the law. In other words, each beekeeper has a responsibility either NOT to engage in a restricted behavior, or TO fulfill a specific requirement. For example, in a particular municipality, a beekeeper may have a responsibility NOT to exceed a restriction on the number of hives permitted on a city lot, or TO fulfill a state requirement that he register his hives.

One way to develop such restrictions and requirements is to base them on industry-accepted good neighbor practices. Therefore, you will have to research good neighbor practices that you can potentially use to develop restrictions and requirements covering some or all of the following areas: location or placement of colonies; provision of a water source; positioning of colonies; manipulation of flight patterns; prevention of overcrowding; working of bees; beekeeper-neighbor interactions (including notification requirements); and beekeeper-government relations (including registration requirements).

**TIP:** Research good neighbor practices in:

- Sylvia A. Ezenwa, J.D., *HONEY BEE LAW: PRINCIPLES AND PRACTICE* 140-143 (The A.I. Root Company 2005).
- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at <http://edis.ifas.ufl.edu/AA137> (last visited Jan. 4, 2007).
- Dr. Ken Lightle, Ph.D., *Buckeye Bee Basic Beekeeping Course* ch. 7, available at <http://www.buckeyebee.com/basic.html> (last visited Jan. 11, 2007) (also a great source of information on bee biology and behavior).

In Part 2 of the article (*American Bee Journal*, Vol. 137, No. 5 (May 2007)), I emphasized that an "ordinance" is a municipal or local government law. Therefore, any ordinance that you create will have to contain some legal terminology, and incorporate some legal theories and concepts, which means that, if you choose not to hire a lawyer to help, you will definitely have to proceed to Step Three, in which I ask you to look at other model and current municipal beekeeping ordinances or laws to show you different and proper ways to use good neighbor practices to develop restrictions and requirements appropriate for your own city.

**TIP:** Look at model and municipal ordinances in:

- *Model Beekeeping Ordinance For Florida (Local and Municipal) Governments*, The Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Apiary Inspection Program, available at [http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep\\_ord.pdf](http://www.doacs.state.fl.us/pi/plantinsp/apiary/beekeep_ord.pdf) (last visited Jan. 4, 2007) (a comprehensive model,

# Attachment 3

containing most elements of an ideal ordinance).

- Malcolm T. Sanford, *Good Neighbor Guidelines and Ordinances*, Publication ENY-115, Entomology and Nematology Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida (Reviewed May 1, 2003), available at <http://edis.ifas.ufl.edu/AA137> (last visited Jan. 4, 2007) (a much simpler model, lacking some elements of an ideal ordinance).
- *Map of Municipal Animal Control Ordinances*, The Animal Legal & Historical Center, available at <http://www.animallaw.info/articles/armpusmunicipalordinances.htm> (last visited Jan. 11, 2007) (gives ordinances of two municipalities—one large, and one small or more recent—for each state, but not all contain provisions on beekeeping).

In Step Three, I also explained how to make best use of such ordinances:

1. **Look**, at a minimum, at one comprehensive (e.g., Florida's) and one simpler (e.g., Dr. Sanford's) model ordinance, as well as one municipal ordinance from a large municipality and one from a smaller one.
2. Select several ordinances which contain the kinds of beekeeping restrictions and requirements that you feel would be appropriate for your own city.
3. Use the ordinances you have selected as patterns or models for the one you will create, by **modifying** (if necessary) their restrictions and requirements to fit the particular size (square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area<sup>7</sup>), topography, and other characteristics of your own city.

In practice, modifying the restrictions and requirements contained in the ordinances you select (per #3 above) to fit the particular characteristics of your own city may prove controversial, especially when it comes to negotiating with city or other local government officials to adopt some or all of *your* model ordinance's proposed restrictions and requirements for the official version of the law. Fortunately, such negotiations have a designated forum—a public hearing, to which beekeepers should always go and be vocal participants.

## STEP FOUR:

### PARTICIPATE AT PUBLIC HEARINGS

A municipal legislative body, such as a city council, or other governing body, is responsible for passing or enacting a municipal beekeeping ordinance. The procedures by which ordinances are enacted

can be fairly complex, and often vary widely from municipality to municipality. However, there are two elements of such procedures that are nearly universal: (i) a public hearing on the proposed ordinance; and (ii) written notice of time and place of the hearing. Usually, these two elements are required in order for a municipal ordinance to be considered constitutional.<sup>8</sup> As an area beekeeper and/or representative of a state or local beekeeping association, you should attend any public hearing at which a beekeeping ordinance is being considered; and to participate, you can:

1. **Educate** city council members, neighbors, and the public about the benefits (agricultural, economic, nutritional, medicinal) of honey bees, and the truth (not media-generated myths) about Africanized honey bees.
2. **Argue** to limit the amount of mandatory restrictions and requirements placed on beekeeping, emphasizing instead voluntary adherence to good neighbor practices.
3. **Introduce** the model ordinance you created.
4. **Argue** the rationale (using proven bee behavior and biology) behind the proposed restrictions and requirements in your model ordinance; and their appropriateness for the particular size (square mileage), population (number and density), zoning (regulation of land usage and physical dimensions of buildings and structures, including height setback and minimum area<sup>9</sup>), topography, and other characteristics of your own city.
5. **Support** your arguments for the city's adoption of your ordinance's proposed restrictions and requirements with scientific information about bee behavior and biology from: (i) a how-to beekeeping book or manual from an apiary expert, preferably affiliated with a university or state or local government agency; and/or (ii) a publication from a U.S. Department of Agriculture Cooperative Extension System Office (locate offices in your state at <http://www.csreca.usda.gov/Extension/index.html> (last visited Jan. 11, 2007)). For example, *Honey Bee Information Site*, Department of Entomology, Texas Cooperative Extension, The Texas A&M University System, available at <http://honeybee.tamu.edu/> (last visited Jan. 11, 2007).
6. **Support** your arguments for the city's adoption of your ordinance's proposed restrictions and requirements by introducing the model and current municipal ordinances which you selected and relied upon for the creation of your own.

7. **Lobby** for the city council to adopt, for the official version of the law, as many of the provisions contained in your model ordinance as possible.
8. **Distribute** free honey to city council members, neighbors, and the public. Ostensibly, to demonstrate the benefits of beekeeping. Although, it could also boost your lobbying efforts!

## CONCLUSION

With the spread of the Africanized honey bee, and the increasing urbanization of former agricultural, rural, and suburban areas, more municipalities will consider enacting ordinances that place restrictions and requirements on the keeping of honey bees. In which case, area beekeepers and state and local beekeeping associations should, instead of only contributing to the problem, become part of the solution. How? By working with city officials to create ordinances that address legitimate concerns about public health and safety while still being fair to beekeepers steadfastly pursuing their hobbies or businesses.

## REFERENCES:

1. Rebecca F. Wisch, *Overview of Municipal Animal Control Ordinances*, Animal Legal & Historical Center, Michigan State University College of Law (2005), available at <http://www.animallaw.info/articles/ovusodmunicipalordinances.htm> (last accessed Jan. 4, 2007).
2. *Id.*
3. *Id.*
4. *Id.*
5. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 64, 72-76 (The A.I. Root Company 2005).
6. Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 85-86, 87-91 (The A.I. Root Company 2005).
7. Black's Law Dictionary 1618 (6th ed. 1990).
8. See Sylvia A. Ezenwa, J.D., HONEY BEE LAW: PRINCIPLES AND PRACTICE 64 (The A.I. Root Company 2005).
9. Black's Law Dictionary 1618 (6th ed. 1990).

*BIOGRAPHY:* Sylvia A. Ezenwa is an attorney and writer based in Wyoming. She is licensed to practice law in the State of Texas.

*DISCLAIMER:* The information in this article is not intended to constitute legal advice. Please consult an attorney regarding your specific situation.



## Attachment 3

# Attachment 4

## Bees Comparative Ordinances - Other Jurisdictions

Jurisdiction					
Issue	City of Portland	City of Hillsboro	City of Bend	City of Ashland	City of Milwaukie OR
<b>Permitted in what zones?</b>		Allows for single-family residential only.		Does not restrict which zones.	
<b>Number and/or density of colonies</b>	Four colonies	Three colonies	1 colony/ legal lot up to 5,000 sq. ft. of lot area, 1 add'l colony/ each add'l 5,000 sq. ft. lot area, up to 8 colonies, regardless of lot size		Two colonies
<b>Permit Required?</b>	Yes, specified animal facility permit	Yes, City Animal Permit		No	Yes, Planning Commission approval required.
<b>Notice provisions</b>	Yes, requires applicants to notify and have all neighbors within 150 feet of the hive or proposed facility sign a petition. All neighbors within this area must approve of the request to keep bees.	Yes, Applicants are required to conduct a beekeeping notification process for a 300 foot notification area, which allows people with a medical condition to file an objection. Bee hives/colonies shall not be kept when a person who has a medically certified allergy to the sting of bees resides within three hundred feet of the hives/colonies and has submitted medical documentation to the city and a written request that the hives/colonies be removed.		None	Application must be accompanied by the written consent of all the owners of real property (or a part thereof) within 100 ft. of any point on the boundary of the property on which the bees are proposed to be kept
<b>General Standards</b>	<p>The following standards apply to a variety of different animals permitted under the specified animal facility permit:</p> <ul style="list-style-type: none"> <li>• The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;</li> <li>• The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;</li> <li>• The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;</li> <li>• Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;</li> <li>• The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;</li> <li>• If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and</li> <li>• The facility will be adequately lighted and ventilated;</li> </ul>	<ul style="list-style-type: none"> <li>• Products generated by bees, such as honey, shall not be sold from a residential property</li> </ul>	<p>Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.</p> <p>In any instance in which a colony exhibits aggressive behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.</p> <p>Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.</p>		

## Attachment 4

<p><b>Setback or buffer standards</b></p>	<p>Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.</p>	<p>☒ All portions of the bee hives/colonies enclosure shall be located behind the front building plane of the dwelling. All portions of the bee hives/colonies shall either be located either a minimum of ten feet from any property line(s) or fifteen feet from any property line if there is no barrier, such as a fence or hedge, that is at least six feet in height on all relevant property lines;</p>	<p>Colonies shall be located in the side or rear yard , and set back no less than 10 feet from the nearest property line, and shall comply with the following provisions:</p> <ul style="list-style-type: none"> <li>i. The beehives are isolated from public access by a security fence; and</li> <li>ii. The beekeeper establishes and maintains a flyway barrier at least 6 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 so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the colony; or</li> <li>iii. The colony is situated 10 feet or more above the grade of the nearest adjoining property line.</li> </ul>	<p>No person shall keep a bee container of any kind w/in one 150 ft. of another dwelling, street or sidewalk.</p>	
<p><b>Other Provisions</b></p>	<p>May require liability insurance. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.</p>				

## Attachment 5

Albany, OR. Not more than two chickens on any lot less than 7,000 square feet in area. Keep chickens 10 feet from adjoining property lines and 20 feet from any public right-of-way.

Beaverton, OR. Except for "household pets," no person shall keep or maintain livestock or poultry within the city.... <http://groups.google.com/group/brightgreenbeaverton> . . . Update: As of 2010 chickens are allowed: <http://tinyurl.com/2aeloqg> -or- <http://tinyurl.com/2aeloqg>

Coos Bay, OR. Chickens appear to be allowed; you have to purchase a one year permit and renew it every year, though.

Corvallis, OR. Unlimited chickens allowed. No roosters. Chickens must be penned.

Eugene, OR. A maximum of 2 hens, no roosters, kept 20 feet from dwellings.

Gresham, OR. Unlimited "livestock" allowed, provided they are kept 100ft. from neighbors, which is possible only on uncommonly large lots.

Hillsboro OR. New regulations as of Dec. 2010. Chickens are legal in Hillsboro but you must have a \$25 permit. A 7k – 10k square foot lot can have up to 3 chickens, kept 10 feet from property lines. See: <http://www.ci.hillsboro.or.us/Planning/AnimalRegulations/CityAnimalRegulations.aspx>

Keizer, OR. Chickens are illegal but they work "on the complaint basis." If no one complains you can keep them. If they do, you have to remove them.

Lake Oswego, OR. The town Clerk here says there is no limit on the number of chickens. Roosters are not prohibited, but if they crow they might be out of compliance with the noise ordinance.

Lebanon, OR. No fowl of any kind are allowed within Lebanon city limits. However, chickens are dealt with on a complaint-basis.

Milwaukie, OR. Up to 50 chickens, including roosters, except if neighbors complain, then noise violations will apply.

Newberg, OR. Up to six hens (no roosters) are allowed, although a (free) permit is required. They must be penned, but the coop can be anywhere on the property. To get the free permit, the animal control officer comes and does a quick inspection to make sure the birds have an appropriate home, and they don't particularly mind if you already have the birds without a permit.

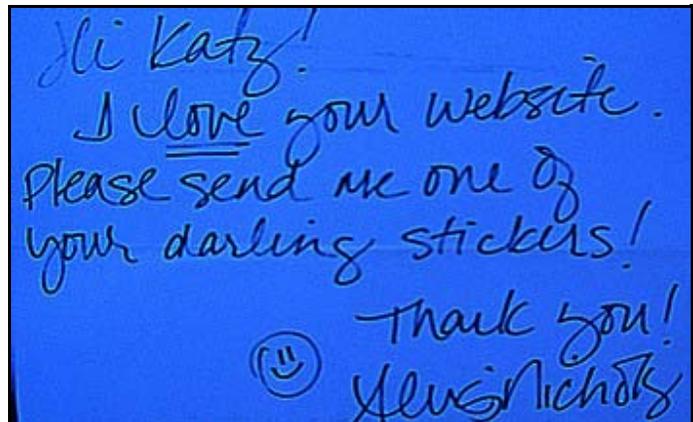
Oregon City, OR. You may keep 5 or fewer hens on a lot of 10,000 square feet if the chicken's housing is kept 40 feet from the front property line, 20 feet from all other property lines, and 25 feet from the dwelling. Roosters prohibited.

Portland, OR. Three hens allowed without a permit. No roosters. Permit for more costs \$31. Keep 25ft. from residences.

Salem, OR. There have been recent debates in Salem regarding the current law that chickens are illegal here. UPDATE: They are now legal: <http://www.salemchickens.com/>

Stayton, OR. Unlimited chickens allowed for personal use only, not commercial selling of eggs. No laws concerning roosters, but if neighbors complain, the City will ask you to get rid of them. Chickens must be kept 10 feet from property lines.

Tigard, OR. No poultry or livestock, other than normal household pets, may be housed or in a fenced run within 100 feet of any nearby residence except a dwelling on the same lot





## Attachment 6

# A Case for Backyard Chickens in Salem (Oregon's Capital City)



*By Chickens In The Yard (C.I.T.Y.)*

*September 2010*

*The Oregon Pioneer sits atop our capital building and is said to represent the spirit of our early settlers . . . Well, they had chickens and we want them too!*

***UPDATE! On September 27, 2010 Salem City Council voted 7 to 2 to allow us to keep three hens in our backyards. The ordinance goes into effect January 1, 2011.***

# Attachment 6

## Table of Contents

---

(Put cursor on title and press *Enter* to jump to that section in the document)

	<u>Page</u>
<a href="#">Introduction</a> .....	4
<a href="#">Salem Revised Code</a> .....	5
<a href="#">Definition of Livestock</a> .....	5
<a href="#">Community Support</a> .....	6
<a href="#">Code Enforcement</a> .....	7
<a href="#">Odor &amp; Noise</a> .....	8
<a href="#">Impact on Animal Shelters</a> .....	9
<a href="#">Property Values</a> .....	9-10
<a href="#">Public Health</a> .....	10-11
<a href="#">Pests &amp; Rodents</a> .....	11
<a href="#">Sustainability</a> .....	12
<a href="#">Food Safety &amp; Animal Welfare</a> .....	12-13
<a href="#">Economic Benefits</a> .....	13
<a href="#">Emergency Preparedness</a> .....	14
<a href="#">Educational Opportunities</a> .....	14-15
<a href="#">Water &amp; Air Quality</a> .....	15
<a href="#">Community-Building Events</a> .....	16
<a href="#">Conclusion</a> .....	17

# Attachment 6

## Appendices

---

	<u>Page</u>
A: <a href="#">World Watch Institute</a> : U.S. City Dwellers Flock to Raising Chickens .....	18-20
B: <a href="#">Newsweek Magazine</a> : The New Coop de Ville .....	21-23
C: <a href="#">Salem Revised Code Section 146.020</a> (Permitted Uses in the Single Family Residential Zones) .....	24
D: <a href="#">Salem Revised Code Section 111.130(e)</a> (City's Definition of Livestock) .....	25
E: <a href="#">Salem Revised Code Section 146.030</a> (Special Uses / Miniature Swine) .....	26-27
F: <a href="#">Oregon Dept. of Agriculture's Definition of Livestock</a> .....	28
G: <a href="#">Letters of Support</a> .....	29-39
H: <a href="#">Letter from OSU Extension Poultry Specialist</a> .....	40-41
I: <a href="#">Rooster Relocation Program</a> .....	42-45
J: <a href="#">Letters from Real Estate Professionals</a> .....	46-47
K: <a href="#">Statement from Public Health Veterinarian</a> .....	48-49
L: <a href="#">Letters from Marion-Polk Food Share</a> .....	50-51
M: <a href="#">Correspondence Regarding Methane Gas Emissions</a> .....	55

# Attachment 6

## Introduction

---

As people grow more concerned about the economy, the environment, food safety, emergency preparedness, and animal welfare, they are returning to the basic skills their grandparents understood well – vegetable gardening, canning food, and raising chickens. In response to citizens’ requests, many municipalities across the country have adopted ordinances allowing residents to keep a limited number of egg-laying hens as pets.

According to the Worldwatch Institute, there is an Urban Chicken Movement underway that has “... swept across the United States in recent years” and it began right here in the Pacific Northwest ([Appendix A](#)).

Our request is not unreasonable or unusual. Cities across the country, large and small, allow a limited number of backyard hens. For example, chickens are allowed in Seattle, Chicago, Denver, Madison, Fort Collins, Vancouver, and New York. In fact, according to Newsweek Magazine, more than 65% of major U.S. cities now have chicken-keeping ordinances ([Appendix B](#)).

In Oregon, nearly every city has relaxed its zoning regulations to allow residents to enjoy a few backyard chickens (see chart below). We, the people of Salem would like the same opportunity enjoyed by our friends in neighboring communities.

**Chicken-Keeping Policies in Oregon**  
(Revised August 19, 2010)

Oregon Cities	# Hens Allowed	Setback from Property Line	Distance from Adjacent Dwellings	Minimum Lot Size	Comments
Astoria	Unlimited				
Beaverton	4		20'		Ordinance passed unanimously on 8/16/10, takes effect Sept. 20, 2010.
Bend	4	15'	25'	6,000 sq ft	Requires a \$100 Farm Animal Permit.
Cannon Beach	4	15'	15'		
Corvallis	Unlimited				Even roosters are permitted.
Dallas	5	10'			Adopted ordinance in January 2010.
Eugene	2	10'	25'		Citizens currently working to increase number of hens allowed.
Forest Grove	4		20'	5,000 sq ft	
Gresham	3	10'	25'		Adopted ordinance in December 2009 - Requires \$50 permit which is good for two years.
Klamath Falls					
Lake Oswego	Unlimited				
Lincoln City	Unlimited				
Portland*	3				
Springfield	4				

\* Multnomah County enforces the chicken ordinance for the city of Portland. If you have less than 4 chickens, the only requirement is that you keep no roosters and do not let hens roam freely. If you want 4 or more hens, you have to apply for a \$31 “special animal facility” permit and abide by further restrictions including property line setbacks, etc. People with 3 or less chickens who do not care for them properly and receive valid complaints can be made to get the permit and follow a more stringent set of rules.

## Attachment 6

# Salem Revised Code

---

Currently, Section 146.020 of the Salem Revised Codes lists land uses permitted in Single Family Residential zones ([Appendix C](#)). Any use *not* on this list is considered unlawful, based on its omission. Chickens are not listed. This, and the fact that chickens are defined as livestock in Section 111.130, Section (e), of the Salem Revised Code, makes keeping chickens inside the city illegal ([Appendix D](#)). Yet, according Section 146.030, Special Uses, city residents can keep a potbelly pig weighing up to 100 pounds ([Appendix E](#)). We think it's unreasonable that you can keep a 100-pound pig, or a vicious dog, roaming cat, and assorted other animals, but not a 3-pound bird that provides nutritious eggs year-round.

## Definition of Livestock

---



Chickens are a dual purpose animal. They can be raised for profit, or treated like pets. Because hens are small, harmless, friendly, entertaining, and easy to care for – they make wonderful pets. Three small hens aren't "livestock" any more than a vegetable garden is a farm.

According to section 111.130(e) in the revised code, the city's definition of livestock includes poultry ([Appendix D](#)). City Staff has recommended this definition be changed to exclude the keeping of backyard hens for non-commercial purposes. We agree for the following reasons:

1. The State Department of Agriculture excludes chickens from its definition of livestock and we believe the City's definition should match the state's definition ([Appendix F](#)).
2. According to Oregon Revised Statute 609.140(1), any dog that harms livestock can be euthanized. It's unlikely that dogs will harm chickens because we have stipulated that the birds be enclosed within a backyard facility at all times. But in the event this should occur, we urge council to modify the definition of livestock so that dogs would be protected.
3. If chickens remain as livestock, then enforcement of a chicken ordinance would fall under the land use section of the Salem Revised Code. Therefore, any modification to the ordinance would require review by the Planning Commission and a state-mandated 45-day waiting period. It would be much easier and more efficient to remove chickens from the city's definition of livestock and allow them as pets, which could then be enforced under the nuisance section of the city's code and easily modified.

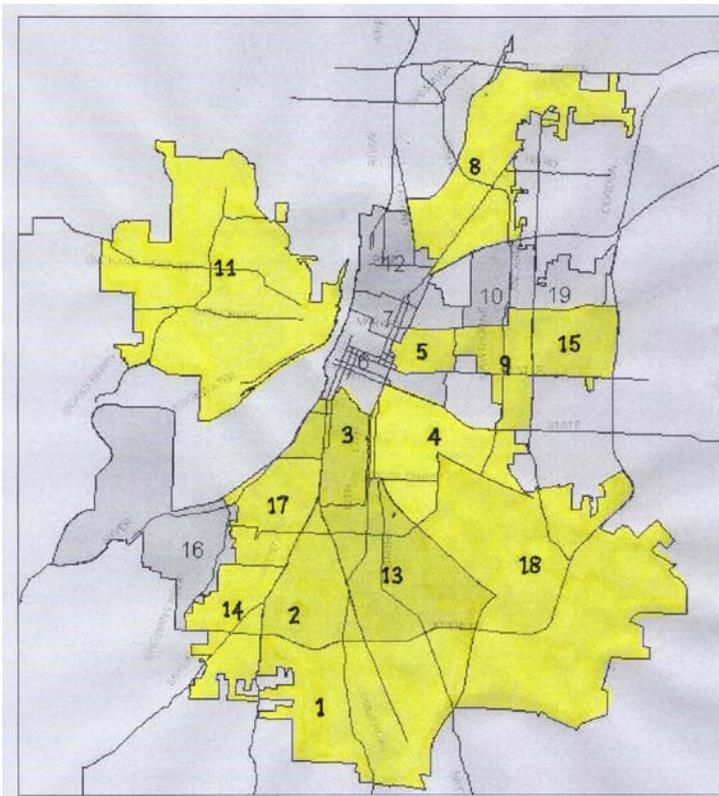
# Attachment 6

## Community Support

---

The city of Salem overwhelmingly supports the chicken ordinance, evidenced by the following:

1. A petition with 1,232 signatures from Salem residents over the age of 18 who support our proposal.
2. Endorsement by the following local organizations:  
Marion-Polk Food Share  
St. Vincent de Paul Society  
Center for Sustainable Communities at Willamette University  
Oregon Tilth  
Friends of Marion County
3. An inspection of the public record revealed the vast majority of correspondence received by the City on this issue was in favor of the ordinance. At 16 public meetings where chickens were discussed between February 2009 and August 2010, the number of persons in favor of the ordinance consistently far outweighed those opposed.
4. Endorsement by 13 of Salem's 19 neighborhood associations, including all of the *largest* ones. According to The Department of Community Services, these represent over 85% of Salem households.



<u>Neighborhood</u>	<u>Councilor Ward(s)</u>
So. Gateway	4
ELNA	6
Faye Wright	3, 4
Morningside	2, 3
Northgate	5
SCAN	2, 7
SEMCA	2, 3, 4
SESNA	2
So. Salem	7
Sunnyslope	7
NESCA	6
West Salem	8
NEN	1, 2, 6

Never before has a proposed ordinance required the endorsement of every neighborhood association. Still, CITY went to great lengths to educate the public and recruit support. The fact that 13 out of 19 neighborhoods voted for the ordinance is more than adequate to prove sufficient public support exists for our proposal.

The 13 neighborhoods that support a chicken ordinance are highlighted in yellow.



## Attachment 6

### Odor

---

The fear of odor problems caused by backyard chickens is unwarranted. Chickens themselves do not smell. It's only their feces that have the potential to stink, which is also true of feces from dogs, cats, or any other animal that leaves waste in the yard. But unlike dogs and cats, who leave waste on the lawns of their neighbors or in public places, chicken waste would be confined to the coop in the backyard of the owner because we have stipulated that the hens be enclosed at all times.

It's also important to realize that the maximum number of chickens allowed is just three. Three small hens weigh less than 15 pounds collectively, and generate less waste than one average dog. For those of you who are not aware, potbelly pigs weighing 100 pounds are currently allowed in the city. This animal produces 30 times more waste than a chicken and you don't get the benefit of eggs.

Furthermore, chicken manure is a highly valued fertilizer that can be used in the garden, whereas waste from dogs and cats cannot because of the parasites and human diseases it can harbor.

According to Dr. Hermes, Oregon State University Extension Poultry Specialist, "*Once added to the compost or tilled into the soil, the odor-causing compounds are no longer able to cause objectionable odors.*" This statement is an exact quote taken from his letter ([Appendix H](#)).

The reason people fear an odor problem is because their only experience with chickens (if they have any at all), is a farm or commercial poultry operation. In these situations, chickens are viewed as a commodity and are raised with the intention of profit from meat or egg production. Under *those* circumstances, hundreds, if not thousands, of chickens are often kept in crowded conditions with poor ventilation or regular cleaning. As a result, ammonia can build up and these facilities can stink.

On the contrary, people who want to raise 3 hens as pets in the city are not looking to make a profit. They want eggs laid by healthy, happy chickens that they treat like pets. Three small birds housed at least 20' from adjacent dwellings and in close proximity to the owner's home, are extremely unlikely to create an odor problem for neighbors.

### Noise

---

Only roosters crow loudly, not hens. Hens never crow and are generally quiet animals, with the exception of announcing the arrival of a freshly hatched egg. This sound is short-lived, lasting a few minutes and takes place once every 24 to 36 hours, and *never* occurs at night. Some hens are more vocal than others, depending on the breed, but there is no comparing the sound of a cackling hen to dogs that can bark all night long, power tools, lawn mowers, garbage trucks, motorcycles, wild crows, kids playing, car alarms, sirens, airplanes, trains, and the myriad of other loud noises frequently heard in the neighborhood.

## Attachment 6

# Impact on Animal Shelters

---

We have taken steps to ensure that local animal shelters are not inundated with unwanted hens and mis-sexed roosters, as some have claimed.

Hens are always wanted because they provide eggs, fertilizer, and are gentle creatures that make great pets. If a family can't keep them for any reason, they are easily relocated using Craig's List, postings at local farm stores, or through CITY's website.

There are steps that can be taken to avoid improperly sexed roosters and we will encourage people to exercise those precautions. For the small percentage of those that do turn out to be roosters, we have a rooster relocation program in place and ready to go. A local farmer who re-homes roosters for the residents of Portland has agreed to do the same for us. Oregon is a very agricultural state and there is no shortage of farmers who are happy to take in breeding roosters.

Please refer to the three letters in [Appendix I](#) for more details about this program.

## Property Values

---

Declining property values is another myth associated with chicken-keeping in the city.

Again, this is an unsubstantiated claim based on fear, not facts. A small backyard flock made up of three small hens treated like pets are about as different from a commercial operation or farm as you can get. City coops are typically small, clean, and attractive because people love their pets and live in close proximity to them. In fact, urban hen-keepers are so proud of their coops, they hold annual coop tours to show them off!

There is absolutely no evidence to indicate that keeping pet hens, as laid out in our proposal, would have any negative impact on real estate values whatsoever.

In the following charts you can see that as of March 2009, the average sales price of homes in eight chicken-friendly cities is *higher* than homes in Salem. You can clearly see that the average sales price of homes in cities with demographics similar to ours, but that allow chickens, all have higher average sales prices than here where chickens are not allowed.

In [Appendix J](#) you will find a letter from Jane Leo, Portland Metropolitan Association of Realtors, stating that in her 14 years with that organization, she has never heard of an instance where chickens were associated with lower property values. There, you will also find a letter from a local realtor.

## Attachment 6

It's simply *not* true that urban chicken keeping has a negative impact on property values. The statistics prove it.



City	Average Sales Price
Seattle, WA	\$437,247
Lake Oswego, OR	\$384,709
Portland, OR	\$319,911
Eugene, OR	\$287,507
Olympia, WA	\$284,401
Corvallis, OR	\$281,000
Ft. Collins, CO	\$225,924
Madison, WI	\$219,620
Salem, OR	\$193,005

Homes in cities (demographically similar to Salem, Oregon) that allow backyard chickens have an average sales price that is higher compared to homes here, where chickens are currently not allowed. Clearly, backyard chickens do *not* lower property values. (Source: <http://realestate.aol.com>)

## Public Health

---

The notion that three birds confined to an enclosure in a backyard will somehow create a public health threat is also unwarranted. If it were true, others cities wouldn't permit it.

From time to time we hear about a potentially deadly pathogen capable of jumping from one species to another. Bird flu and swine flu are the most recent examples. Fortunately, neither of these perceived threats have materialized.

The type of Avian Influenza that is contagious to humans has not been found in North America. Bird flu is spread by contact with the contaminated feces of wild birds, primarily migratory waterfowl. Unlike rural farm birds, which might co-mingle with migratory birds or drink from a shared pond, "backyard chickens" will be kept in an enclosed pen where contact with migratory birds is unlikely.

OSU Poultry Extension Specialist, Dr. Jim Hermes, states "*Bird flu of the type noted in the media has not been diagnosed in the whole of the Western Hemisphere and may not ever find its way here*" and "*chickens are relatively healthy animals.*" Please refer to his letter in [Appendix H](#).

## Attachment 6

Dogs and cats can spread parasites, bacteria, fungi and viruses to humans. Rabies is an example of a viral infection that can be transmitted to people from the saliva or bite of a dog. Cat Scratch Fever is a bacterial infection passed to people by cats. Each year, 25,000 cases are diagnosed in the U.S. Ringworm, a highly contagious fungal infection, can be transmitted to humans by touching an infected animal's fur or skin and is common in stray kittens that roam freely. Roundworm, hookworm, tapeworm, and Giardia are intestinal parasites that can be passed to humans from pet waste. There are also a number of tick-borne diseases that can be brought home from dogs and cats like Lyme disease and Rocky Mountain spotted fever. Chickens can actually keep your yard healthier because they *eat* ticks and insects.

Keep in mind, too, that bird diseases like Exotic Newcastle, West Nile, or avian influenza can infect different types of birds, not just chickens, including common pet birds like parrots, finches, and cockatiels. There are also diseases people can catch from hamsters, reptiles, and other common pets. But regardless of this, people will continue to love and care for all kinds of pets because they enrich our lives, provide companionship, teach responsibility, entertain us, and in the case of chickens, provide eggs!

Dr. Emilio DeBess, Oregon's Public Health Veterinarian, stated "*People are not at risk of developing influenza by having a domesticated bird at home (not wild). If a client has a wild bird at home, the chances of a virus mutation and the possibility of jumping species, (given that the bird has influenza) are minimal*" ([Appendix K](#)). Also, researchers at Johns Hopkins University concluded that backyard flocks are four times less likely to contract bird flu ([http://www.hsus.org/farm/news/ournews/small\\_flocks\\_lower\\_bird\\_flu\\_risk.html](http://www.hsus.org/farm/news/ournews/small_flocks_lower_bird_flu_risk.html)).

## Pests & Rodents

---



Chickens do not attract insects, they eat them! They love to eat all types of bugs, including those that can carry human diseases like mosquitoes and ticks. They also eat slugs that would otherwise harm garden crops, especially here in the northwest. Rather than attract flies, they eat fly larvae (maggots) before they can grow up to become adult flies. In his letter, Dr. James Hermes, OSU Poultry Extension Specialist, supports our claim that if chickens have access to fly larvae, flies will never become a problem. He also states that chickens do not attract rodents and that a small number of hens can be a great addition to any urban family backyard ([Appendix H](#)).

A chicken pen is not likely to attract rodents or wildlife unless chicken feed is spilled or not stored properly. This same thing holds true for dog or cat food, garbage, and composters.

To many of us, chickens are a natural extension to our gardens. They are world-class recyclers. Within 24 hours, they turn garden scraps, bugs, and weeds into one of two things we can use, eggs and fertilizer.

## Attachment 6

# Sustainability

---

More and more people are interested in living a more sustainable lifestyle and reducing their carbon footprint. Local governments encourage citizens to reduce their consumption of resources, use fewer pesticides, and be more self-reliant. A small number of egg-laying hens allow us the opportunity to do just that. Political obstacles should not impede the very same lifestyle local government promotes.

People who have backyard hens are less likely to use harmful chemicals and pesticides in their gardens. Instead, they desire their yard to be healthy and environmentally friendly. They consider chickens an extension of their gardens because they eat weeds and bugs and provide fertilizer.

Organic gardeners seek natural fertilizer to enhance their garden soil as they grow fresh fruits and vegetables. Chicken manure is one of the most efficient natural fertilizers providing essential nutrients to build the soil. Backyard hens provide a very local source of fertilizer that is easily composted, without any transportation costs. According to Dr. Jim Hermes, OSU Extension Specialist, "*Chicken manure is a great addition to sustainable urban gardens*" ([Appendix H](#)).



Backyard chickens eat grass clippings and food scraps, thus keeping these products out of the local landfill by reusing them on site.

We are encouraged to eat locally, reducing the need to transport food long distances. What better place to start than the availability of food right in the back yard!

Becoming a more sustainable community becomes easier with the availability of eggs from backyard hens. Local citizens can contribute their surplus eggs to local food banks, or neighbors, feeding the hungry with healthy, locally produced food. In fact, the Marion-Polk Food Share is among our strongest supporters (Appendix L).

# Food Safety & Animal Welfare

---

There is a growing desire among consumers to regain some control over the food we serve our families. Food recalls have become common and people are concerned about the safety of their food and the welfare of the animals that provided it.

Not only are home-grown eggs fresher, tastier, and more nutritious than store-bought eggs, they are also less likely to contain *Salmonella*. Store-bought eggs are often shipped from out-of-state, and can be legally sold when they are as old as 45 days. Studies show home-grown eggs are also more nutritious (<http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx>).



## Attachment 6



Chickens raised for profit in battery cages.



Chickens raised as backyard pets

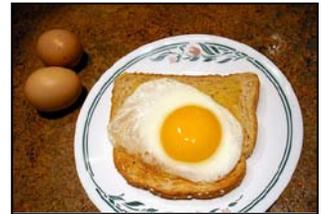
Chickens that are raised as pets, rather than for profit, are less crowded, less stressed, treated better, and therefore less susceptible to disease. Given the recent recall of over 380 million eggs contaminated with *Salmonella*, it's no surprise that people are interested in producing as much of their own food as possible.

## Economic Benefits

---

Many of our older family members have shared stories about how chickens saved the family during the Great Depression. Given our current economic situation, keeping a few backyard hens has never been more practical.

Food prices continue to rise. The unemployment rate is at a record high and Oregon is among the worst. Homes are being foreclosed on at an alarming rate. As a result, the Marion-Polk Food Share reports a record high in the need for emergency food boxes ([Appendix L](#)). A readily available source of eggs saves money, energy, and time. The initial cost of a small chicken coop and pen will quickly pay for itself. Members of our group are willing to donate time, labor, and material to help families in need get started.



After the initial coop investment, three hens cost very little to maintain, especially if you supplement their diet with weeds, grass clippings, bugs, and kitchen and garden scraps. In return, three hens will provide approximately 65 dozen eggs per year for a cost of about \$2/dozen. For the equivalent in fresh, locally-produced eggs that came from happy, healthy chickens (as opposed to factory farms), you would pay \$6 per dozen at the Farmer's Market or health food store. Chickens will save you additional money on fertilizer, pesticides, and gasoline.

Backyard chickens also create interesting business opportunities. Oregon Business Magazine and the Register-Guard have recently reported on the highly successful businesses known as urban farm stores that cater to the needs of backyard homesteaders. In fact, these businesses are one of the few that are thriving in this economy.

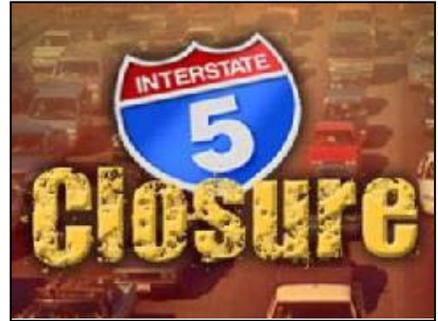
Additionally, unemployed construction workers are grateful for the work they've been finding building backyard chicken coops. Urban farm schools are popping up everywhere turning a profit by teaching city dwellers how to grow gardens, can food, and raise chickens. Even the business of chicken babysitting has made CNN Money headlines lately.

## Attachment 6

# Emergency Preparedness

---

In these uncertain times, it is especially important that people be prepared for an emergency. Government officials encourage us to be prepared in the event of a fire, flood, earthquake, civil unrest, or any other situation, stating that in such an event we are likely to be on our own for the first few days or possibly weeks. When disaster strikes, it can hinder transportation or help from arriving in a timely fashion. Having a year-round source of high-protein, nutritious eggs readily available can provide critical food in a time of need.



During heavy snow/ice storms and floods like we experienced in 2008, there could be damage to buildings and infrastructure such as bridges and highways. As a result, it can be difficult to get to the store and scarcity of food items on store shelves can occur. Local egg-producing hens will help our community be more food self-sufficient when emergencies occur.

The American food system is dependent on centralized processing plants and transportation. A more diversified food system can provide more security by letting citizens grow crops and raise animals they know and enjoy. That way, if the food system should fail, we will be able to feed our selves and our neighbors (Backyard Poultry, vol. 3, no. 6, pg 16).

There is no denying that, as a nation, we would be better off if we were less reliant on outside resources. This holds true for cities, neighborhoods, and families as well.

# Educational Opportunities

---

Raising three small hens in the backyard is a tremendous opportunity for parents to teach young children about the responsibility that comes with caring for a pet, and something about where the food they eat *really* comes from. This is something a dog or cat cannot do. And because of their small size and friendly demeanor, hens can be easily handled by young children without the fear of being bitten.

By keeping a few hens, children will also learn about sustainability and recycling because they will see first-hand how grass clippings, bugs, weeds, and kitchen scraps fed to chickens are turned into delicious eggs. They will also see how straw bedding and waste from the chickens improves garden soil that, in turn, produces fruits and vegetables. Instead of just hearing the phrase "reduce, reuse, recycle" they will actually *experience* it.



## Attachment 6



City kids will have the opportunity to participate in 4-H or FFA programs like their more rural friends. A 3-pound hen is very practical because it is small, inexpensive to raise, and very easy to care for. It is much more practical for city life than a 100-pound potbelly pig, which is currently allowed in residential zones.

For many of us, our grandparents had victory gardens, knew how to can food, and raised their own chickens. But this valuable knowledge seems to have skipped a generation and we are anxious to bring it back so that our children will not be so far removed from these basic skills that they think food comes only from the grocery store.

We cherish the opportunity to teach our kids how to be more self-reliant instead of depending solely on others for their sustenance. We value the opportunity to teach our children to have less of an impact on the earth than we have.

## Water & Air Quality

---

An average hen produces 0.0035 cu ft of manure per day whereas a 100-lb pig (the size currently allowed in the City of Salem) produces 0.109 cu ft per day. (<http://extension.oregonstate.edu/catalog/pdf/em/em8649.pdf>)

According to the FDA, an average dog generates 3/4 of a pound of manure a day that cannot be composted because of the harmful bacteria and parasites (hookworms, roundworms, and tapeworms) that can infect humans. This waste is considered a major source of bacterial pollution in urban watersheds. (<http://www.pacshell.org/projects/petwasteinfo.htm#facts>).

Dog waste contains higher concentrations of nitrogen and phosphorus than cows, chickens, or pigs and is a major contributor of excessive nutrients that flow into ground and surface waters through runoff from city sidewalks and lawns. ([www.csl.edu/Downloads/Sussman\\_2008\\_DogParks.pdf](http://www.csl.edu/Downloads/Sussman_2008_DogParks.pdf)).

Not only do chickens produce less waste, most people who keep chickens in the city also have a garden and therefore compost their chicken manure. If composted and added to the garden, the water quality impact would be virtually nothing. Chickens also reduce the need for pesticides because they eat bugs and weeds, further reducing the potential for water pollution.

When the city of Fort Collins, Colorado adopted a chicken-keeping ordinance, they first conducted thorough research which included the possibility of increased methane gas emissions. It was concluded that backyard hens would not significantly impact methane gas emissions ([Appendix M](#)). There is no reason to believe that this would be any different in Salem.

## Attachment 6

# Community-Building Events

---

Unlike commercial poultry operations or rural farms, people in the city who keep chickens as pets keep them in attractive enclosures they are proud of. In fact, in many chicken-friendly cities residents hold annual coop tours to show them off. In Portland, Seattle, Austin, Las Vegas, and Madison, chicken enthusiasts participate in a variety of chicken-related events, including tours, classes, and clubs, adding fabric and educational opportunities to their communities.



We are eager to do the same in Salem. Members of CITY plan to host coop tours, chicken-raising classes, and coop-building workshops. We also plan to conduct a “Habitat for Hens” event to provide donated labor and coop materials for a family in need of a helping hand. A local hatchery (Farwest Hatchery) has agreed to donate feed and chicks to help the family get started. Several agencies have asked to collaborate with us on these events, helping to build a stronger, more cohesive community.

Attractive and inexpensive pre-made chicken coops are available on various websites for those who are not able to build their own. Books on coop construction can be checked out at the local library and free coop building instructions are available on the internet. Our website [www.Chicken-Revolution.com](http://www.Chicken-Revolution.com) has links to these resources.

Below are pictures of stationary coops and chicken tractors commonly found in the city:



A “chicken tractor” – a bottomless coop with wheels on the front that allow it to be easily moved around the yard like a wheelbarrow.

Chickens can fertilize different parts of the yard, and hunt for bugs, while remaining enclosed.

## Attachment 6

# Conclusion

---

During our two-year effort to legalize backyard chickens in Salem, we've talked to many people about this issue. The overwhelming majority think it's a great idea and support the ordinance. We have found that the minority few who oppose it, do so for one of three reasons:

- A. They are completely unfamiliar with chickens. I've had many conversations with people who say it's a bad idea "because of the roosters." When I explain that roosters are not needed to produce eggs, they are often shocked. Some will say they oppose the ordinance because "chickens will attract pests like cockroaches." Again, they do not understand that chickens eat bugs rather than attract them. If they are unfamiliar with these basic chicken facts, you have to wonder what else they are incorrect about.
- B. Their only experience with chickens is large-scale, raised-for-profit, commercial operations or farms. We've encountered a few people who adamantly oppose chickens because they know how smelly and filthy chicken coops can be because they used to live near a poultry facility. Yes, when hundreds or thousands of chickens are crammed into a giant barn or warehouse and treated like nothing more than egg-laying machines, it can be quite unpleasant. Urban hen-keepers do not support or condone this. This is exactly what we are working to avoid!
- C. Unfortunately, some people associate raising chickens with poverty. Sharon Astyk (Casaubon's Book) sums up this bias nicely when she writes:

*"Among the basic subsistence activities legislated against by towns, cities and housing developments are:*

*1. Clotheslines instead of dryers. Reason: Looks poor. Might suggest you can't afford a dryer. Plus, you might see underwear that isn't your own. This is a major cause of sin.*

*2. No livestock, but large pets are acceptable. Reason: Ostensible reasons are health based, a few even broadly grounded in fact, real reason is that pets, which have no purpose other than companionship and cost money, are broadly a sign of affluence, while livestock are a sign of poverty, because they provide economic benefits.*

*3. No front yard gardens. Reason: The lawn is a sign of affluence - you have money, leisure and water enough to have a chunk of land, however tiny, that doesn't produce. It creates in many neighborhoods a seemingly contiguous, but basically sterile and safe seeming "public" green space that is actually privatized and not very green. Gardens, on the other hand, have dirty wildlife and bugs in them, and might grow food, which is bad because it implies you can't afford it."*

# Appendix A

---



### U.S. City Dwellers Flock to Raising Chickens

Submitted by Ben Block on October 6, 2008 - 08:30.



Photo Courtesy Growing Gardens

**At July's Tour De Coop, about 600 people visit, on average, 17 backyard chicken farms in Portland, Oregon, during the annual event organized by urban agriculture group Growing Gardens.**

In the backyard of a suburban home in Denver, Colorado, 22 chickens are hiding out from the law.

They arrived when a member of [BackyardChickens](#), an online forum, ordered the birds in the mail this past May. "I actually get my chicks in today hopefully, and I am worried that animal control will be at the post office waiting for me with hand-cuffs," the new poultry farmer wrote.

An underground "urban chicken" movement has swept across the United States in recent years. Cities such as [Boston, Massachusetts](#), and [Madison, Wisconsin](#), are known to have had chickens residing illegally behind city fences.

But grassroots campaigns, often inspired by the expanding movement to buy locally produced food, are leading municipalities to allow limited numbers of hens within city limits.

Cities such as [Anne Arbor, Michigan](#); [Ft. Collins, Colorado](#); and [South Portland, Maine](#) have all voted in the past year to allow residents to raise backyard poultry. "It's a serious issue - it's no yolk," said Mayor Dave Cieslewicz of Madison, Wisconsin, when [his city reversed its poultry ban](#) in 2004. "Chickens are really bringing us together as a community. For too long they've been cooped up."

Raising backyard chickens is an extension of an [urban farming movement](#) that has gained popularity nationwide. Home-raised livestock or agriculture avoids the energy usage and carbon emissions typically associated with transporting food.

"Fresh is not what you buy at the grocery store. Fresh is when you go into your backyard, put it in your bag, and eat it," said [Carol-Ann Sayle](#), co-owner of five-acre (two-hectare) farm in [Austin, Texas](#), located within walking distance from the state capitol. "Everyone should have their own henhouse in their own backyard."

"Buying local" also provides an alternative to factory farms that pollute local ecosystems with significant amounts of animal waste - which can at times exceed the waste from a small U.S. city, a [government report](#) revealed last month. In the United States alone, industrial livestock production generates 500 million tons of manure every year. The waste also emits potent greenhouse gases, especially methane, which has 23 times the global warming potential of carbon dioxide.

# Attachment 6

Meanwhile, advocates insist that birds raised on a small scale are less likely to carry diseases than factory-farmed poultry, although some public health officials are concerned that backyard chickens could elevate avian flu risks.

## **Chicken: The 'Buy Local' Mascot**

After the trend first gained popularity in London, England, with the invention of the "eglu" chicken house about ten years ago, large numbers of city dwellers began to raise chickens in the U.S. cities of Seattle and Portland, said Jac Smit, president of the [Urban Agriculture Network](#). "It's no longer something kinky or interesting," Smit said. "The 'chicken underground' has really spread so widely and has so much support."

Within the past five years, the trend has expanded to cities where raising hens was already legal, including [Los Angeles](#), [San Francisco](#), and [Chicago](#). "Chicken has become the symbol, a mascot even, of the local food movement," said Owen Taylor of New York City, who knows of at least 30 community gardens that raise poultry, mostly for their eggs. One Brooklyn home has raised upward of 50 hens. "We're the biggest city in the country, so to have it here I think blows people's minds."

K.T. LaBadie, a University of New Mexico graduate student, was born into a family that grew its own fruits and vegetables. So when she moved to Albuquerque and met a friend who was raising his own chickens, poultry was a logical progression in her own home. She began with two hens, and now she has four.

"It felt like a good compliment to our backyard gardening. We get compost from the chickens that goes back into the vegetable beds," LaBadie said. "And there's really nothing better than harvesting tomatoes and peppers from your garden and being able to make an omelet with it using a meal that was based in your backyard."

The spread of backyard chickens has promoted spin-off businesses that cater to the local market. Some communities are relying on [mobile slaughterhouses](#) to manage and distribute the poultry meat, according to Smit. "It's no longer huge slaughterhouses doing millions [of birds]. It's a guy driving around on a truck, visiting neighborhood to neighborhood," he said. "And it's not chickens only.... Duck, turkey, and quail are particularly attractive."

In Portland, Oregon, residents have organized a [farming cooperative \[video\]](#) to raise hens for egg production. "The money is used to maintain the cooperative. It's not necessarily organized to be a profit-sharing venture," said Debra Lippoldt, executive director of [Growing Gardens](#), a Portland urban agriculture advocacy group.

## **Public Health Concerns**

If avian influenza eventually evolves to infect humans, experts fear that backyard chickens will be vectors of the disease. Government officials have threatened to ban free-range chickens in cities in Thailand, Indonesia, and Hong Kong, where bird flu has spread in the past. Governments around the world are also concerned that wild fowl will infect backyard chickens, leading to calls for similar bans in the Canadian province of [British Columbia](#) and in [Australia](#).

But several public health officials argue that homegrown poultry are not a disease threat if the chickens are properly maintained. "Make sure the roof of the pen has a solid cover to protect birds from fecal matter that may drop from birds flying overhead," said University of California at Davis poultry specialist Francine Bradley in a [statement released in 2005, at the peak of avian flu concerns](#). "We always tell people, don't let anyone near your birds who doesn't need to be there [due to fears of people carrying the virus]."

Sustainable farming advocates insist that backyard chickens are less of a concern than factory-farmed poultry, which the [Pew Commission on Industrial Farm Animal Production](#) has said poses serious risks of transmitting animal-borne diseases to human populations, especially due to the prevalence of antimicrobial resistance.

"When it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem," the international sustainable agriculture organization [GRAIN](#) concluded in a [2006 report](#).

## Attachment 6

For urban poultry farmers, a more relevant health issue is whether the chickens, which many owners consider to be pets, can survive urban wildlife, even in New York City. "It's awful how often flocks are decimated by raccoons or hawks or possums," said Owen Taylor, who runs the [City Farms](#) livestock program, an extension of the sustainable food organization [Just Food](#).

As the backyard chicken movement spreads, urban farmers are finding new ways of experiencing city living, whether their chickens are pets or dinner. "Raising chickens on a backyard stoop, especially if you have children, is agreeable," Smit said. "How you convince the kids you'll cut its neck and eat it is another thing."

*Ben Block is a staff writer with the [Worldwatch Institute](#). He can be reached at [bblock@worldwatch.org](mailto:bblock@worldwatch.org).*

*For permission to reprint this article, please contact Julia Tier at [jtier@worldwatch.org](mailto:jtier@worldwatch.org).*

[contact us](#) | [sign up for e-mail updates](#) | [join us](#) | [sitemap](#) | [privacy policy](#) | [terms of use](#)  
© 2008 Worldwatch Institute | 1776 Massachusetts Ave., NW | Washington, DC 20036 | Phone: (202) 452-1999

## Appendix B

### Newsweek

## The New Coop de Ville

### The craze for urban poultry farming.

Jessica Bennett  
NEWSWEEK

For Brooklyn real-estate agent Maria Mackin, the obsession started five years ago, on a trip to Pennsylvania Amish country. She, her husband and three children, now ages 17, 13 and 11 sat down for brunch at a local bed-and-breakfast, and suddenly the chef realized she'd run out of eggs. "She said, 'Oh goodness! I'll have to go out to the garden and get some more'," Mackin recalls. "She cooked them up and they were delicious." Mackin and her husband, Declan Walsh, looked at each other, and it didn't take long for the idea to register: Could we have chickens too? They finished their brunch and convinced the bed-and-breakfast owner, a Mennonite celery farmer, to sell them four chickens. They packed them in a little nest in the back of their Plymouth Voyager minivan and headed back to Brooklyn.

The family has been raising chickens ever since, in the backyard of their brick townhouse in an urban waterfront neighborhood called Red Hook. Every Easter, Mackin orders a new round of chicks, now from a catalog that ships the newborns in a ventilated box while they are still feeding from their yolks. When they are grown, she offers up their eggs and occasionally extra chickens, when she decides she's got too many, to friends and neighbors, and sells a portion to a local bistro, which touts the neighborhood poultry on its Web site. She gives the chicken manure, a high-quality fertilizer, to a local community garden in exchange for hay, which she uses to pad the chickens' wire-fenced coop. Occasionally, she kills and cooks up a chicken for dinner, "though, she says, her chickens are egg layers and aren't particularly tasty. "We joke and call ourselves the Red Hook Poultry Association," says the former social worker, who at one time housed 27 chicks inside her kitchen for six weeks. "Sometimes people are like, 'This is really kind of weird'."

As it turns out, Mackin is hardly an anomaly, in New York or any other urban center. Over the past few years, urban dwellers driven by the local-food movement, in cities from Seattle to Albuquerque, have flocked to the idea of small-scale backyard chicken farming, mostly for eggs, not meat, as a way of taking part in home-grown agriculture. This past year alone, grass-roots organizations in Missoula, Mont.; South Portland, Maine; Ann Arbor, Mich.; and Ft. Collins, Colo., have successfully lobbied to overturn city ordinances outlawing backyard poultry farming, defined in these cities as egg farming, not slaughter. Ann Arbor now allows residents to own up to four chickens, while the other three cities have six-chicken limits, subject to various spacing and nuisance regulations.

That quick growth in popularity has some people worried about noise, odor and public health, particularly in regard to avian flu. A few years back in Salt Lake City, which does not allow for backyard poultry farming, authorities had to impound 47 hens, 34 chicks and 10 eggs from a residential home after neighbors complained about incessant clucking and a wretched stench, along with wandering chickens and feathers scattered throughout the neighborhood. "The smell got to be unbelievable," one neighbor told the local news. Meanwhile, in countries from Thailand to Australia, where bird flu has spread in the past, government officials have threatened to ban free-range chickens for fear they are contributing to outbreaks. (In British Columbia, where officials estimated earlier this year that there are as many as 8,000 chicken flocks, an avian flu outbreak four years forced the slaughter of more than 17 million birds.)

But avian flu has not shown up in wild birds, domestic poultry or people in the United States. And, as the Washington-based Worldwatch Institute (an environmental research group) pointed out in a [report last month](#), experts including the Pew Commission on Industrial Farm Animal Production have said that if we do see it, it'll be more likely to be found in factory-farmed poultry than backyard chickens. As GRAIN, an international sustainable agriculture group, concluded in a 2006 report: "When it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem."

## Attachment 6

Many urban farmers are taking that motto to heart. In New York, where chickens (but not roosters, whose loud crowing can disturb neighbors) are allowed in limitless quantities, there are at least 30 community gardens raising them for eggs, and a City Chicken Project run by a local nonprofit that aims to educate the community about their benefits. In Madison, Wis., where members of a grass-roots chicken movement, the Chicken Underground, successfully overturned a residential chicken ban four years ago, there are now 81 registered chicken owners, according to the city's animal-services department. "There's definitely a growing movement," says 33-year-old Rob Ludlow, the Bay Area operator of BackyardChickens.com and the owner of five chickens of his own. "A lot of people really do call it an addiction. Chickens are fun, they have a lot of personality. I think people are starting to see that they're really easy pets and they actually produce something in return."

Because chickens can be considered both livestock and pet, farming them for eggs or keeping them as pets is unregulated in major cities like New York and Los Angeles. But it isn't legal everywhere. According to one recent examination by urban-agriculture expert Jennifer Blecha, just 65 percent of major cities allow chicken-keeping, while 40 percent allow for one or more roosters. (Hens don't need roosters to lay unfertilized eggs.)

Chicken slaughter, meanwhile, tends to fall under a separate (and generally stricter) set of regulations, though they're not always enforced. Most cities that allow chicken farming limit the number to four or six per household, so many urban farmers aren't raising enough chickens to slaughter and sell anyway, though they may cook up a meal or two at home. If they want to slaughter more, there are mobile slaughterhouses in places like Washington state that will do the dirty work for you: USDA-approved refrigerated trucks will pull right up to your doorstep.

Chicken farmers are finding each other on sites like [TheCityChicken.com](http://TheCityChicken.com), [UrbanChickens.org](http://UrbanChickens.org) and [MadCityChickens.com](http://MadCityChickens.com). [BackyardChickens.com](http://BackyardChickens.com) logs some 6 million page views each month and has some 18,000 members in its forum, where community members share colorful stories (giving a chicken CPR), photos (from a California chicken show), even look to each other for comfort. "I am worried that non-BYC people won't understand why a 34-year-old woman would cry over a \$7 chicken," writes a Stockton, N.J., woman, whose chicken was killed by a hawk.

Over at [UrbanChickens.org](http://UrbanChickens.org), which launched this year, founder K. T. LaBadie, a master's student in community planning, provides updates on city ordinances, info about local chicken-farming classes and coop tours and has been contacted by activists hoping to overturn chicken bans around the nation. In Albuquerque, where she lives with her husband and four chickens, Gloria, Switters, Buffy and Omelet, residents can keep 15 chickens and one rooster, subject to noise ordinances, as well as slaughter the chickens for food. In July, LaBadie wrote in detail of her first killing: she and her husband hung the bird by its legs, slit its throat, plucked its feathers and put it on ice. Then they slow-cooked it for 20 hours. "It's not pretty, it's kinda messy, and it's a little smelly," she writes. "But it's quite real."

Meanwhile, at [MadCityChickens.com](http://MadCityChickens.com), the Web site created by the Madison Chicken Underground, chat-line operator Dennis Harrison-Noonan has turned his chicken love into a mini-business: he's sold 2,000 design kits for his custom-made playhouse chicken coop, which retails for \$35. "It's really not that crazy to think that people are doing this," says Owen Taylor, the urban livestock coordinator at Just Food, which operates the New York Chicken Project. "Most of the world keeps chickens, and they've been doing so for thousands of years."

Historically, he's right. During the first and second world wars, the government even encouraged urban farming by way of backyard "Victory Gardens" in an effort to lessen the pressure on the public food supply. (Until 1859, there were 50,000 hogs living in Manhattan, according to Blecha.) "It's really only been over the last 50 years or so that we've gotten the idea that modernity and success and urban spaces don't involve these productive animals," Blecha says.

There are a host of reasons for the growing trend. "Locavores" hope to avoid the carbon emissions and energy consumption that come with transporting food. Chicken owners and poultry experts say eggs from backyard chickens are tastier and can be more nutritious, with higher levels of supplements like omega-3 fatty acids. Their production cost is cheap: you can buy chickens for as little as a couple of dollars, and three hens will likely average about two eggs a day. You can also use their waste to help revitalize a garden. "There've been recalls on everything from beef to spinach, and I think people want to have peace of mind knowing their food is coming from a very trusted source," says LaBadie. "As gas prices go up, and people realize how food is connected to oil and transportation, they are bound to realize they can get a higher quality product cheaper if they get it locally."

Keeping a chicken is relatively easy, too, assuming you don't get too attached. (That's a talk Mackin says she had with her kids early: these chickens aren't pets.) They'll eat virtually anything, pork products, string cheese, even

## Attachment 6

Chinese takeout," she laughs, and they feed on bugs and pests that can ruin a garden. They can withstand harsh weather conditions. (In one oft-told tale, a Maine woman lost her chicken in a blizzard and found it, a day later, frozen solid with its feet stuck straight in the air. She thawed it and administered CPR. The chicken made a full recovery.) And much like New Yorkers, not much bothers chickens grown in urban environments. "[Those] raised in a really controlled environment like factory farms are very fragile, both physically and emotionally," says Blecha, who lives in St. Paul, Minn., with her partner and six chickens. "My chickens, I mow the lawn a foot away from them and they don't even look up from their pecking."

But even urban chickens, who can live more than five years, can die easily: from predators like dogs or possums, catching a cold or sometimes for no apparent reason at all. Once, one of Mackin's chicks got stuck in a glue trap. She drowned it, to put it out of its misery. "That was really sad," she says. (Mackin doesn't name her chickens, for that very reason.)

But the overall experience seems to be positive for everyone. "We have people calling weekly to say, 'This is really cool'," says Patrick Comfort, a spokesman for Madison's animal-services department, where the chicken ban was reversed in 2004. "Chicken people love it, the neighbors don't care, we have no complaints." Minneapolis enthusiast Albert Bourgeois sums up the appeal. "Chickens are really fun pets," he says. His flock is named Cheney, Condi, Dragon, Fannie and Freddie. The next one, he says, will be Obama.

URL: <http://www.newsweek.com/id/168740>

© 2008

# Appendix C

---

### **Current City Ordinance in Salem Single Family Residential Zones**

**146.020. PERMITTED USES.** The following uses, when developed under the general development standards in this zoning code applicable to the RS district and to all such uses, generally, are permitted in the RS district:

- (a) One single family dwelling, other than a manufactured home, per lot;
- (b) One duplex on a corner lot;
- (c) Manufactured homes in manufactured dwelling parks developed pursuant to SRC chapter 123.
- (d) Planned unit developments approved under SRC chapter 121.
- (e) The following agricultural uses:
  - (1) Agricultural production - crops (01) with no retail sales area;
  - (2) Timber tracts (081);
  - (3) Forest nurseries and tree seed gathering and extracting;
- (f) Playgrounds and parks.
- (g) Public buildings and structures, such as libraries and fire stations.
- (h) Rights-of-way for:
  - (1) Electric service lines;
  - (2) Gas mains, oil and gas transmission lines;
  - (3) Communications lines;
  - (4) Water lines; and
  - (5) Sewer lines.
- (i) Transit stop shelters.
- (j) Public utility structures and buildings such as pump stations and reservoirs, radiomicrowave relay stations, telephone substations, and electric substations.
- (k) Accessory uses and structures such as:
  - (1) Customary residential accessory buildings and structures for private use of the property and its occupants.
  - (2) A private garage or parking area;
  - (3) Storage for not more than one commercial vehicle per dwelling unit.
  - (4) Sleeping quarters for domestic employees of the resident of the main building;
  - (5) Guest houses and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging and not as a place of residence;
  - (6) Swimming pools for private use;
  - (7) Home occupations;
  - (8) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit;
- (l) The following transitional uses. Where the side of a lot abuts property other than a street or alley in any C or I district, and the entire lot is within 165 feet of the C or I district:
  - (1) One duplex on a lot of 7,000 square feet or more;

## Appendix D

---

Such term does not include the lease or rental of a dwelling unit or the rental of guest rooms on the same premises.

(g) **Hotel** means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Ord No. 13-90; Ord No. 31-96; Ord No. 59-2000)

### 111.100. "I" Definitions.

(a) **Interested person** with respect to a land use action means any person or organization, or the duly authorized representative of either, having a right of appeal pursuant to SRC 114.200(a).

(b) **Interior lot.** See "lot, interior."

111.110. (Reserved for "J" definitions)

111.120. (Reserved for "K" definitions)

### 111.130. "L" Definitions.

(a) **Land use action** means a zone change, conditional zone change, variance, adjustment, conditional use approval, specific conditional use approval, planned unit development approval at any stage requiring commission or council action, or any other action requiring discretionary review by an administrative body, including appeals from any of the foregoing.

(b) **Land use proceeding** means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

(c) **Landscaped** means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements to that primary use such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

(d) **Lattice Tower** means a freestanding support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

→ (e) **Livestock** means one or more members of any species of cattle, swine, sheep, goat, poultry, horse or other equine, or llama, alpaca or related ruminant, regardless of the purpose for which any of the foregoing may be kept; and of any species of rabbit, bee, or fur-bearing animal kept for sale, for sale of by-products, for livestock increase, or for value increase.

(f) **Loading space** means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.

# Appendix E

---

- (2) Community or neighborhood club buildings, including swimming pools and similar recreation facilities, when operated by a nonprofit community club.
- (m) Residential home.
- (n) Child day care homes and babysitting.
- (o) Adult day care home.
- (p) On-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (Ord No. 53-83; Ord No. 5-84; Ord No. 146-84; Ord No. 149-84; Ord No. 16-85; Ord No. 17-88; Ord No. 71-91; Ord No. 28-92; Ord No. 2-93; Ord No. 18-94; Ord No. 32-2000)

**146.030. SPECIAL USES.** (a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RS district:

- (1) Funeral service (726) except crematories.
  - (2) Public golf courses (7992).
  - (3) Membership sports and recreation clubs (7997) having golf courses.
  - (4) Elementary and secondary schools (821).
  - (5) Religious organizations (866).
  - (6) Boat and recreational vehicle storage area.
  - (7) Zero side yard dwellings.
  - (8) Two family shared housing.
  - (9) Public automobile parking areas.
  - (10) Manufactured homes on individual lots.
  - (11) Bed and breakfast establishments.
  - (12) Adult day care center.
  - **(13) Keeping of a miniature swine.**
  - (14) Residential Sales/Development Office.
  - (15) Existing wildlife rehabilitation facility.
  - (16) Construction of a replacement single family dwelling unit on an individual lot.
  - (17) Antennas attached to existing or approved structures.
  - (18) Parking for Special Activities at High Schools with Community Parks.
  - (19) Cottage Housing.
- (b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010. (Ord No. 149-84; Ord No. 16-85; Ord No. 17-88; Ord No. 13-90; Ord No. 3-91; Ord No. 10-91; Ord No. 81-92; Ord No. 2-93; Ord No. 67-93; Ord No. 18-94; Ord No. 48-94; Ord No. 16-95; Ord No. 82-96; Ord No. 57-2000; Ord No. 25-2004; Ord No. 30-05)

# Attachment 6

119.030. through 119.040. Reserved for Expansion.

**119.050. VETERINARY SERVICES FOR ANIMAL SPECIALTIES.** Where permitted as a special use, veterinary services for animal specialties (SIC 0742) shall meet the following additional use and development standards:

- (a) Except as provided in subsection (b) of this section, all operations shall be conducted within completely enclosed and soundproof buildings.
- (b) Outside runs for dogs and other animals shall be operated only between the hours of 7:00 a.m. to 6:00 p.m., with an attendant present on the premises. Outside runs shall be located at least 60 feet from every property zoned or used for residential purposes. Outside runs shall be screened from adjacent properties and streets by a sight-obscuring fence, wall, or hedge.

 **119.070. KEEPING OF MINIATURE SWINE.** Where permitted as a special use, not more than one miniature swine of the species *Sus scrofa bittatus* (commonly known as a "potbellied pig") per dwelling unit may be kept provided the following conditions are met and maintained:

- (a) The animal is less than 100 pounds in weight;
- (b) The animal is less than 18 inches in height at the shoulder;
- (c) The animal is spayed or neutered as evidenced by a veterinarian's certificate, which certificate shall also certify the species of the animal, its age, shoulder height and weight when spayed or neutered. (Ord No. 67-93)

**119.080 WILDLIFE REHABILITATION FACILITY.** Where permitted as a special use, a wildlife rehabilitation facility shall meet the following additional use and nonvariable development standards:

- (a) Commercial activities such as breeding or raising wildlife for sale or trade, or the sale or trade of animal products shall be prohibited.
- (b) If a dwelling is used for wildlife rehabilitation, the total floor area used for wildlife rehabilitation shall not exceed 25 percent of the habitable space of that dwelling.
- (c) No structural alterations shall be made to any dwelling which would be inconsistent with future use of the building exclusively as a dwelling.
- (d) Proper sanitation must be maintained at all times. Property sanitation includes, but is not limited to:
  - (1) Not allowing wildlife waste to adversely affect the health of the wildlife itself, property residents, or neighbors.
  - (2) Taking necessary steps to ensure odors are not detectable beyond property lines.
  - (3) Storing of all wildlife food in rodent- and pest-resistant containers.
  - (4) Butchering, processing, or maintaining live or dead animals or fowl on-site as food for wildlife being rehabilitated shall be conducted entirely within an enclosed building.
- (e) Inspection of all cages and wildlife facilities by the Oregon Department of Fish and Wildlife and federal agencies as required.
- (f) All wildlife must be naturally occurring in Oregon as defined in ORS Chapter 496.
- (g) Current and continuing licensing by the state of Oregon as a wildlife rehabilitator or conducting wildlife rehabilitation under the supervision of a licensed rehabilitator.

## Appendix F



### Information for animal owners in Oregon



- |   |  |  |
|---|--|--|
| <a href="#">Definition of livestock</a>       | <a href="#">Keeping exotic animals</a>         | <a href="#">Travel with animals within US</a>  |
| <a href="#">Animals legal in Oregon</a>       | <a href="#">Livestock loose on my property</a> | <a href="#">Traveling with pets outside US</a> |
| <a href="#">Certificate of Vet Inspection</a> | <a href="#">Livestock transportation</a>       |  |
| <a href="#">Disposal of dead animals</a>      | <a href="#">ODA State Veterinarian</a>         |  |
| <a href="#">Dead livestock identification</a> | <a href="#">Pasture Permit</a>                 |  |
| <a href="#">Found "exotic" animals</a>        | <a href="#">Rabies vaccination questions</a>   |  |

#### Definition of livestock

"Livestock" refers only to

- cattle, (but does not include bison, or yak)
- horses, mules, donkeys, asses, (all equidae)
- sheep and goats, and
- all swine except potbellied pigs and feral swine.



#### Animals legal in Oregon

Which animals are not legal to keep in Oregon? Check the [Oregon Department of Fish and Wildlife Integrity Rules](#).

#### Certificate of Vet Inspection

What is a ["Certificate of Veterinary Inspection"](#), when and why do I need one?

#### Disposal of dead animals

Any dead domestic animal within one-half mile of any dwelling or within one-fourth mile of any running stream of water must be disposed of within 15 hours (ORS 601.140). The owner may choose to bury it, burn it, move it farther from the dwelling or stream, or have it hauled away by commercial rendering company or a commercial carcass pickup service .

If buried, no part of the body shall be nearer than four feet to the natural surface of the ground and every part of such body shall be covered with quicklime and by at least four feet of earth. (ORS 601.090(7))

#### Exemptions

If the carcass is more than one-fourth mile from a running stream of water or more than one-half mile from any dwelling, and on the owner 's property, the owner is not required to take any action.

Note: The Oregon [Department of Environmental Quality](#) may have requirements or recommendations for burial near wells, septic systems, or streams. Contact them at 503-229-5696.

# Appendix G

---



Office of Mayor Sam Adams  
City of Portland

February 25, 2009

Mayor Janet Taylor and Members of the Salem City Council  
555 Liberty St. SE, Room 220  
Salem, OR 97301

Dear Mayor Taylor and Members of the Salem City Council,

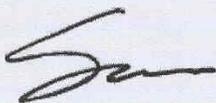
The City of Portland has a long-standing code that allows its residents up to three hens per property without a permit. We also have a permit process to consider larger home flocks. This has presented a tremendous opportunity for Portland families to engage in sustainable food practices, and enjoy eggs from their flock. I personally have two chickens at home in my back yard.

Responsible chicken-keeping in our city is something we encourage and promote. To meet the challenge of our current economic climate, we are doing all we can to support programs and policies that encourage residents to incorporate sustainability in everyday life. In that way, allowing urban chickens—an economical source of an everyday food staple—has never made more sense. Residents can also enroll in classes through our Urban Growth Bounty program and learn how to keep a backyard flock safe, sound and healthy.

I'm confident that more cities can craft reasonable policies to ensure urban chicken keeping is allowable, while minimizing impacts on neighbors. I absolutely encourage you to adopt the proposed amendment and allow Salem residents to keep backyard chickens.

Please feel free to contact me with questions or concerns.

Sincerely,



Mayor Sam Adams

CC: Chickens in the Yard (C.I.T.Y.)

# Attachment 6



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF PUBLIC SAFETY

**Randy Leonard, Commissioner**  
1221 S.W. 4th Avenue, Room 210  
Portland, Oregon 97204  
Telephone: (503) 823-4682  
Fax: (503) 823-4019  
randy@ci.portland.or.us

November 19, 2008

Mayor Taylor and Members of the Salem City Council  
555 Liberty St SE, Room 220  
Salem, OR 97301

Dear Mayor Taylor and Members of the Salem City Council,

The City of Portland has allowed its residents up to 3 hens per property for many years. To my knowledge, we have not experienced any significant problems relating to reduced property values or threats to public health as a result of the hens co-existing with city residents.

Citizens of Portland enjoy having chickens as pets as well as the eggs they provide. As a City Commissioner, I feel it is important to provide this option to our citizens and see no reason why the citizens of Salem should not enjoy the same opportunity.

I have reviewed the proposed amendment drafted by citizens of Salem and find it fair and reasonable.

Given the current economic conditions and the growing trend to live a more sustainable lifestyle, keeping a few backyard hens has never been more practical. Thus, I urge you to adopt the proposed amendment to allow Salem residents to enjoy this privilege.

If I can help address your concerns or help in any way, please feel free to contact me.

Respectfully,

Commissioner Randy Leonard

## Attachment 6

---

### Chickens in an urban setting

**Georgia Sabol** <gsabol@ci.olympia.wa.us>

Thursday, March 12, 2009 7:51:06 AM

To: "salemchickens@yahoo.com" <salemchickens@yahoo.com>

Our city council decided to allow hens in the City of Olympia six or seven years ago. As I said over the phone, it would be difficult to go back and find out exactly how many chicken complaints per year prior to allowing them. I am sure that since hens are allowed we have fewer complaints, I'd say five or less per year. The complaints are mostly about roosters crowing. We've had several complaints about someone having too many hens.

I believe that we now receive fewer complaints because the "chicken advocates" were good about educating new owners care of their hens. It seems that we never get complaints about hens out wondering loose anymore. Good fences (pens) do make good neighbors.

I also should mention that we in code enforcement were not keen on the chickens being allowed. However, that attitude has completely changed.

*Georgia Sabol*  
*Code Enforcement Officer*  
*Community Planning & Development*  
*360-753-8393*

## Attachment 6

Chickens - City of Eugene

From: **MCDONALD Janis K** (Janis.K.MCDONALD@ci.eugene.or.us)  
Sent: Wed 1/07/09 9:57 AM  
To: getaholdofBP@hotmail.com  
Cc: MCKERROW Mike J (Mike.J.MCKERROW@ci.eugene.or.us)

Hello Barbara,

Here is the information you requested:

We had 11 chicken-related complaints in 2008. All of these were prompted by the presence of a rooster(s). One also included sanitary/odor issues and house proximity to the adjacent property line, two included the issue of more than two hens.

If possible, we will try to call the property owner right away to get something done about the rooster noise. We send an Order to Correct requiring the rooster(s) be gone as soon as possible, maximum 5 days, or civil penalties may be levied. Our enforcement notifications go to the property owner, with a copy to the tenants. When talking with the owner and/or tenant, we will ask that they keep the rooster inside/contained during the interim to try and stop the noise quickly. They are usually gone soon after making contact. In many cases the residents got 'chicks' that had been sexed incorrectly and one/two turned out to be a rooster. We do get calls about just the hens too, usually to confirm how many are permitted, or what the other regulations are; some neighbors will try to work out small problems to avoid filing a written complaint against their neighbor. In 5 of the cases we needed Spanish-speaking assistance, either by someone in the household or by staff.

Our zoning regulations were adopted by the Lane County Commissioners for all property within the Urban Growth Boundary of the City of Eugene, so these regulations apply beyond the city limits.

Our regulations may be found on our website: [www.eugene-or.gov](http://www.eugene-or.gov)  
Select Resources at the top menu, Eugene Code, and scroll down to Chapter 9, then Section 9.5250, which is titled Farm Animals.

Hope this is helpful.

Janis McDonald  
Land Use Inspector  
City of Eugene  
682-8452

# Attachment 6

Keeping of chickens in the City of Madison]

From: **Tucker, Matthew** (MTucker@cityofmadison.com)

Sent: Fri 1/30/09 11:52 AM

To: getaholdofbp@hotmail.com

Barbara-

You had asked for a brief summary in regard to our Zoning Code enforcement experience relative to our ordinance allowing the keeping of chickens in the City.

Our enforcement practice is primarily based upon the submission of a complaint, which results in the creation of an inspections case. Generally, **we receive less than 10 complaints in a typical calendar year**. The majority of complaints relate to roosters being on site, too many chickens on site, or coops/shelters/enclosures that are placed too close to neighbors homes or property lines. It is not uncommon for us to discover that the person(s) keeping the chickens has not obtained the required city license, which is a simple issue to resolve.

**I would say the enforcement burden of managing this ordinance is fairly minimal**, as we put the majority of the responsibility for compliance on the party desiring to keep the chickens. Our mission is to educate folks on the regulations first, and save more significant enforcement action where voluntary compliance is not achieved. I cannot specifically recall any cases where a municipal citation was issued or a case was referred to the City Attorney's office for prosecution. Voluntary compliance is usually the result of any orders sent.

Also, please note, the City recently revisited our "keeping of chickens" ordinance. The legislative file with the bulk of pertinent information may be found at this link:  
<http://legistar.cityofmadison.com/detailreport/?key=12318>

Feel free to call or reply with any questions.

**Matt Tucker**

**Zoning Administrator**

**Department of Planning and Community and Economic Development**

**Building Inspection Division, City Of Madison**

215 Martin Luther King, Jr. Blvd.

PO Box 2984

Madison, WI 53701-2984

608/266-4569 PH

mtucker@cityofmadison.com

<http://www.cityofmadison.com>

# Attachment 6



## Office of the Common Council

Aldersperson Marsha Rummel

210 Martin Luther King, Jr. Boulevard, Room 417

Madison, Wisconsin 53703-3345

PH 608.266.4071

FAX 608.267.8669

Textnet 866.704.2340

[www.cityofmadison.com/council/district06](http://www.cityofmadison.com/council/district06)

February 23, 2009

Mayor Janet Taylor  
555 Liberty Street SE, Room 220  
Salem, OR 97301

Salem City Council Councilors  
555 Liberty Street SE, Room 220  
Salem, OR 97301

Dear Mayor Taylor and City Councilors:

I understand that the City of Salem is considering legislation that would allow residents to keep up to five hens in single-family zones. I am writing to share Madison's experience with urban chickens.

In May 2004, the Common Council of Madison, Wisconsin adopted an ordinance allowing up to four chickens to be kept in single-family residential districts, with the same provisions (no roosters, no slaughtering, etc.) that Salem's proposal includes. Our ordinance has not proved to be problematic or costly in terms of enforcement. Madison, a city with a population of over 200,000, receives only about ten chicken-related complaints a year. In fact, it has been so non-controversial that in June 2008, I was pleased to introduce an amendment allowing chickens to be kept in all residential districts. That amendment was adopted in September 2008, with the following additional provisions:

- Keeping of up to four chickens on a lot with up to four dwelling units.
- The applicant for a license notifies all residents within 200' of the lot.
- Not more than 50% of the residents notified object within 14 days of notification.

Interest in urban chicken-keeping is growing around the country. Residents appreciate having the opportunity to participate in growing their own food and keeping a domestic animal that provides satisfaction to so many. In this era of concerns about food safety and the financial squeeze on families during this recession, allowing chickens is a win-win situation.

I hope you allow residents to keep chickens!

Sincerely,

Aldersperson Marsha Rummel  
Madison Common Council, Sixth District

# Attachment 6



April 27, 2009

Barbara Palermo  
Chickens in the Yard (C.I.T.Y.)  
Salem, Oregon  
Letter Emailed: [salemchickens@yahoo.com]

Dear Ms. Palermo,

I am responding to your phone and email requests for information about keeping chickens in Lake Oswego.

LAKE OSWEGO  
REDEVELOPMENT  
AGENCY (LORA)

**Question:** *It is my understanding there is no limit to the number of chickens people can have in Lake Oswego. Is that correct? Can you please tell me what policies are in place regarding keeping chickens?*

CITY OF  
LAKE OSWEGO

380 A Avenue  
P.O. Box 369  
Lake Oswego  
Oregon 97034

(503) 635-0235  
Fax (503) 697-6594  
www.ci.oswego.or.us

**Answer:** The City's Community Development Code, LOC 31.02, [Animals and Fowl], pertains to the keeping of chickens within the City of Lake Oswego. It does not establish a maximum number of chickens allowed on a site; however, it does address possible negative impacts to neighbors by establishing what conduct is prohibited and regulated from animals and from their keepers. (Please see high-lighted sections of the attached "Animals and Fowl" regulation). Chickens are not regulated as a "use" within Lake Oswego zone districts, and therefore, are allowed in each zone district.

**Question:** *Has Lake Oswego's current "Animals and Fowl" policy proven to be an enforcement problem? How many complaints are on record?*

**Answer:** I have worked for the City since October, 2008, and I have not received any complaints against livestock. Also, I reviewed the City's Complaint Log since 2005 and was not able to find a complaint case filed against livestock.

**Question:** *Do people generally do a good job of keeping their chickens (e.g. treat them as pets, etc)?*

**Answer:** I have received 3 or 4 inquires from parents about keeping chickens at their home. All of these inquiries were related to educating their children about the raising of fowl for eggs as a food source.

Please give me a call (ph. 503-699-7473) or send me an email [byoungblood@ci.oswego.or.us] if you have questions or otherwise need additional information.



Thank you,

*Bill Youngblood*  
Bill Youngblood  
Code Enforcement Specialist

# Attachment 6

## THE TOWNSHIP OF CRANBURY

23-A NORTH MAIN STREET  
CRANBURY, NEW JERSEY 08512

DAVID J. STOUT  
Mayor

609-395-0900 FAX 609-395-8861

Members of the Township Committee

WINTHROP CODY  
DAVID COOK  
RICHARD STANNARD  
DAVID J. STOUT  
JAMES TAYLOR



CHRISTINE SMELTZER,  
Township Administrator/Chief Financial Officer  
KATHLEEN R. CUNNINGHAM, R.M.C.,  
Clerk  
DENISE MARABELLO,  
Assistant Administrator/Director of Finance  
JERRY THORNE, C.P.W.M.,  
Public Works Manager

August 22, 2010

Per your request I am writing to share Cranbury Township New Jersey's experience with backyard/home agriculture. I have served as Cranbury's zoning official for over 25 years. During this entire period Cranbury has permitted its residents unlimited agricultural use of any property in all zoning districts. In fact Cranbury encourages Home Agriculture and our Ordinance **150-11 Uses Permitted in All Zones** establishes and protects the right to both commercial and home agriculture. Our definition **150-7 Home Agriculture** specifically includes poultry. I am aware of several residents keeping chickens however I am not aware of any complaints associated with backyard/home agriculture during my tenure. Allowing residents this use of their property has not added cost nor has it been an enforcement burden. In fact, in these current stressful economic times, I am pleased that Cranbury has chosen to permit our citizens this opportunity to practice a simple, low-impact, self-sufficient lifestyle that is fostered by our Home Agriculture Ordinance.

I encourage you to adopt the backyard or home agriculture ordinance so that your community members can enjoy the benefits of backyard agriculture.

If I can address any of your concerns, feel free to contact me.

Respectfully,

Jeffrey K. Graydon  
Zoning Official

(609) 655-0470

# Attachment 6

www.willamette.edu



**WILLAMETTE**  
THE FIRST UNIVERSITY IN THE WEST

900 STATE STREET  
SALEM, OR 97301

PROFESSOR JOE BOWERSOX  
DIRECTOR, CENTER FOR SUSTAINABLE COMMUNITIES  
DEMPSEY ENDOWED CHAIR IN ENVIRONMENTAL POLICY  
WILLAMETTE UNIVERSITY  
900 STATE STREET  
SALEM, OR 97301  
503-370-6220  
JBOWERSO@WILLAMETTE.EDU

January 7, 2009

Mayor Janet Taylor &  
City of Salem Council Members  
555 Liberty St SE  
Room 220  
Salem OR 97301

Dear Mayor Taylor and City of Salem Council Members,

The Center for Sustainable Communities at Willamette University would like to encourage the City of Salem to join many other cities across the country in permitting individual households to raise limited numbers of chickens. In doing so, Salem would join other Oregon cities, including Portland, Corvallis, Eugene, Gresham, Beaverton, Hillsboro and Milwaukie. With proper regulation prohibiting the presence of roosters and mandating proper enclosures, these cities have demonstrated that chickens can indeed be kept in urban and suburban environments and not adversely affect public health, livability, or property values. In fact, as these cities have demonstrated, allowing residents to raise chickens can improve the diet, pocket book, and sustainability of individual households.

Residential chickens have been shown to offer many benefits:

- 3 hens can lay an average of 2 eggs per day (without the presence of a rooster). During our current economic downturn, these eggs can provide a valuable and economical source of protein to families;
- Chicken waste is a great fertilizer for backyard gardens;
- Chickens offer a means of natural pest control in an enclosed yard – eating aphids, grubs and other numerous garden pests. This reduces the needs for chemicals, and helps keep our urban watersheds clean of substances toxic to aquatic species;
- Chickens provide children and their families with a great opportunity to learn about being responsible and caring for animals, as well as an appreciation about where our food comes from.
- Hens are quiet and go to sleep once the sun goes down.

In these tough economic times, the Center encourages the Salem City Council to adopt the draft ordinance developed by the group "Chickens in the Yard." Modeled after successful ordinances in effect in cities across the country, we believe the ordinance facilitates the benefits noted above while protecting public health and safety.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Joe Bowersox

Director, Center for Sustainable Communities

# Attachment 6



470 Lancaster Drive NE | Salem, OR 97301 | [www.tilth.org](http://www.tilth.org) | PH 503.378.0690 | FX 503.378.0809 | [organic@tilth.org](mailto:organic@tilth.org)

To the Mayor and Councilors of Salem;

As the garden coordinator for Oregon Tilth, I am writing in support of "Chickens in the Yard."

Oregon Tilth is a 501(c)(3) non-profit dedicated to supporting and promoting sustainable agriculture through education, research, organic certification and advocacy. The Organic Education Center, a project of Oregon Tilth, is a land-based resource hub for biologically sound, backyard gardening and farming. Each year, our organic demonstration garden plays host to hundreds of community members who convene to learn more about the ease and abundance of growing their own food.

In recent seasons, we've witnessed a groundswell of interest in backyard homesteading and hands-on living in the urban centers of the Pacific Northwest. Chickens are an integral and important part of this movement for a number of reasons:

1. Chickens provide a consistent and healthy source of food for the family. Eggs are a valuable treasure to the backyard homesteader.
2. Chickens can be a great source of fertility for the garden. Poultry manure is high in Nitrogen, and helps to create rich, natural compost, further diminishing the need to buy expensive (and possibly harmful) fertilizers.
3. Chickens are expert bug hunters, controlling unwanted and damaging garden pests. Again, this service reduces the gardener's need to buy inputs, like pesticides.
4. Chickens make extraordinary pets. They are a pleasure to watch and require relatively minimal care. People of all ages are inspired to raise chicks, from peepers to egg producers, and as such, chickens add an interesting and educational dimension to the neighborhood.

Overall, keeping chickens in the backyard is an endeavor that connects an urban population to its food source. It creates a sense of self-sufficiency both through the production of food, and through the provision of helpful services, such as pest control and soil fertility.

Oregon Tilth is encouraged to know that the city of Salem values the diversity of a productive, and sustainable, urban landscape. We hope you give due consideration to the motion brought forth by Chickens in the Yard.

Sincerely,

Conner Voss  
Demonstration Garden Coordinator  
Oregon Tilth  
503.798.8906  
[conner@tilth.org](mailto:conner@tilth.org)

## Attachment 6

December 5, 2008

Mayor Janet Taylor  
555 Liberty St. SE  
Salem, Oregon 97301

RE: Keeping Chickens in Salem

Dear Mayor Taylor,

I've been asked to write a letter concerning the keeping of chickens in Salem. I base my comments on my profession and experience. For eleven years I've taught Environmental Conservation and Sustainability at Oregon State University. I constantly encourage my students to "Rethink" their lifestyle to become more sustainable. For the long term sustainability of our culture, the world's resources, and economic viability, we must think more sustainably.

"Buying Local" has become a mantra of the sustainability movement in the Willamette Valley. The most "local" of all food is produced at home. Vegetable gardens, fruit trees, berry bushes, all help reduce consumption of resources, reduces synthetic chemical use, keeps local communities viable, and almost as a bonus the taste of home grown food is awesome.

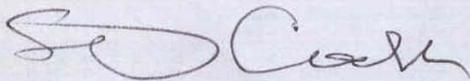
But in addition to my profession, proselytizing for sustainability, I have a practical side, having a blue collar background, I live a frugal lifestyle. Producing food at home saves money, it is as simple as that.

Most of my life I've had chickens around. I like chickens. They are much more fun to watch than a sleeping cat. Mine all have names—Helen (she sleeps next to my lawn chair), Buffy (a buff orpington), Sexy (a golden sexlink) etc. They have unique personalities. But enough silliness. They also lay eggs. People keep chickens for their eggs. As a bonus they consume organic kitchen scraps, reducing the garbage load of society. Finally, chicken manure is a high-nitrogen fertilizer. In one day food scraps become fertilizer. Many people have compost piles and one problem with a compost pile is that it attracts "disease vectors" (as a Corvallis Public Works employee explained to me). With chickens, edible organic waste is consumed the day it is put out, thus reducing these "disease vectors" (disease vector is pronounced "RAT").

Chickens eating fresh organic food, including grass, produce eggs with a bright orange, high beta carotene yolk, so the eggs not only taste better, they are better for you. I've also sold surplus eggs for five years and paid for all of my feed, so they even pay their way.

In conclusion, I encourage you to help the people of Salem help themselves to become more sustainable by allowing them to keep chickens.

Sincerely,



Steve Cook, PhD  
Sr. Instructor of Geosciences, OSU  
Proud owner of a flock of backyard chickens

## Appendix H

DEPARTMENT OF  
ANIMAL SCIENCES



James C. Hermes, PhD  
Extension Poultry Specialist  
Associate Professor

112 Withycombe Hall  
Corvallis OR, 97331-6702

Tel: (541) 737-2254

Fax: (541) 737-4174

email:  
james.hermes@oregonstate.edu

January 26, 2009

To: Troy Bissell

Re: Questions on Urban Chickens

There is great interest in recent years in raising a few hens in urban settings. In fact, most cities in Oregon and nationwide allow a few chickens (usually between 3 and 6) within their city limits. Hens can be a great addition to a backyard with only minimal management required. Their care requirements are no more than that of dogs or cats with the advantage that hens produce eggs for the family and their manure can be used to enhance the compost pile and is an excellent fertilizer for the garden. When considering chickens in urban areas the concerns usually center around five areas; Noise, Odor, Flies, Rodents and Disease. However, these concerns are typically not a problem in small flocks of hens when they are managed appropriately. I will address each of these concerns.

**Noise:** Hens are relatively quiet animals. They cluck and cackle but these noises are usually confined to a few minutes a day most often following egg laying. It is the rooster that makes annoying crowing noises most of the day. It is a misconception that the rooster is needed in a flock of hens. Hens will lay perfectly well without the presence of a rooster so in an urban environment roosters are usually not allowed. As urban pets go, a barking dog is far more annoying than cackling hens.

**Odor:** As with any animal, odors are a potential problem and of course chickens are no different. However, when well managed, odor is not a problem, which can also be said of well managed dogs and cats. With regular cleaning, the litter from a small chicken pen is a valuable addition to any compost container or an excellent fertilizer for a garden. Once added to the compost or tilled into the soil, the odor causing compounds are no longer able to cause objectionable odors. This is a great addition to any small "sustainable" urban garden.

**Flies:** Probably the most common misconception is that flies increase when chickens are present. This is true when chickens are raised in cages, unable to scratch around in the litter. However, chickens that are housed in floor pens are able to find and eat any fly larvae (maggots) before they develop into flies. Flies lay eggs in high moisture manure or other decaying matter. When the manure is collected regularly for the compost and the chickens have access flies never develop into a problem. Once again, a poorly managed backyard with some dogs or cats can also have problems with flies.

## Attachment 6

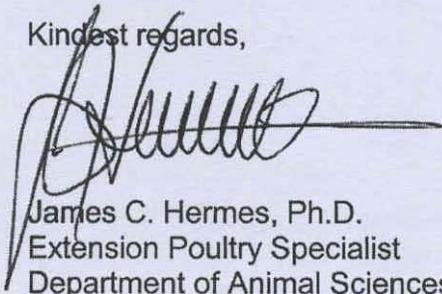
Rodents: Mice and rats can be associated with poultry operations. Their presence is usually the result of spilled feed which the rodents seek out and find. However, if feeding is done carefully with minimal spillage and feed is stored in metal or plastic containers instead of bags, rodent populations are controlled. In addition, rodent control efforts such as trapping or baiting are necessary to keep their numbers low. Once again, dog or cat feed stored improperly will have the same result, increased rodent populations.

Diseases: Chickens are relatively healthy animals. Being birds, their diseases rarely cross into mammalian populations. Recent concerns expressed in the media suggest that "Bird Flu" is of concern with chickens. While there are potential disease problems with all animals major problems are rare and "bird flu" of the type noted in the media has not been diagnosed in the whole of the Western Hemisphere and may not ever find its way here. Typical hygiene methods of hand washing and isolation of these flocks are very effective in reducing these concerns.

Small numbers of hens can be a great addition to any urban family backyard. They provide enjoyment to the whole family, they produce eggs for the family and fertilizer for the garden. The problems are minimized by proper management and should cause no more problems than those raised by the presence of dogs or cats.

I hope that I have answered your questions concerning chickens in an urban setting.

Kindest regards,

A handwritten signature in black ink, appearing to read 'James C. Hermes', with a long horizontal line extending to the right.

James C. Hermes, Ph.D.  
Extension Poultry Specialist  
Department of Animal Sciences  
OSU

## Attachment 6

# Appendix I

---



**To:** City of Salem, City Council  
**From:** Terry Cain, Farwest Hatchery - Owner  
**Date:** September 12, 2010  
**RE:** Salem Chicken Ordinance

I am a local hatchery owner, who will most likely be providing a good share of Salem residents with chicks, once they are legal to be kept. I would like to address a few of the aspects of keeping chickens in one's backyard.

I've personally been in the poultry industry for more than 30 years. Farwest Hatchery sells approximately 177 different breeds. Of which, I recommend only a few for the urban backyard owner. The birds I recommend carry the traits that are best suited for urban life: adapt to confinement, quiet, not flighty, disease resistant, human social able, hardy and good egg producers.

All the breeds I would recommend for the urban owner would also come from our own feather-sexed breeder stock. Feather-sexed stock carries the Long Feather Rooster gene which gives us the ability to distinguish males from females based upon the pin feather pattern on the wings of newly hatched chicks. Farwest Hatchery's reputation will stand upon our ability to sex these chicks with 98% accuracy. In talking with both, rural and urban chicken owners, we know there is a concern in purchasing (from feed stores and out of state hatcheries) pullets (hens) and receiving many cockrels (males).

We also have several breeds which can be color sexed. Color sexed chicks can be identified as male or female when they hatch simply based upon their color.

The old and standby method of vent sexing, actually looking at the genitals, is also our third method.

Between our 3 methods we can almost guarantee the sex of our chicks. When we know the chicks will be going to an urban owner, we will cater to their special sexing needs to greatly reduce the risk of introducing roosters to the cities.

## Attachment 6



We exhibited recently at the Oregon State Fair. The interest in urban chickens is overwhelming. These sentiments came not only from Salem residents but also from folks visiting from all over the country. We have heard story after story of how the backyard chicken has been a good thing. Many of the stories we heard carried a similar theme from moms, dads, and grandparents.

“I’ve got 3 chickens and the children are playing in the backyard. My children have never wanted to play in the backyard.”

“My husband is building a chicken coop with our sons. My husband has never built anything with his sons.”

“Our family sat down together for dinner tonight for a meal prepared with our own eggs. The children took special interest in the meal because they had participated in the process from feeding chicks to gathering eggs to preparation.”

If it takes 3 chickens in the backyard to bring families back together then,  
“**God bless the chicken**”.

In closing, thank you for your consideration in the matter of the urban backyard chicken ordinance. We at Farwest Hatchery believe there are a lot more important things to worry about than chickens in the backyard. Remember, they are in our backyard too.

Sincerely,

A handwritten signature in blue ink that reads 'Terry J. Cain'. The signature is written in a cursive, flowing style.

Owner / Manager

# Attachment 6

Friday, August 13, 2010 4:05 PM

From: "robert@urbanfarmstore.com" <robert@urbanfarmstore.com>

To: "Barbara Palermo" [salemchickens@yahoo.com](mailto:salemchickens@yahoo.com)



Garden, Pet and Homestead

To Whom It May Concern,

As the owner of a successful Oregon small business catering to urban chicken keepers and the author of an upcoming book on the subject, I would like to add my experienced voice to the debate concerning keeping chickens in Salem.

It has been brought to my attention that there is a particular concern about unwanted roosters and hens. While this is potentially a problem, we have found it relatively easy to set-up a humane relocation program through our store. Unwanted chickens are brought in by customers (and non-customers alike) on Sundays in boxes. From there, they are picked-up by a part-time employee who re-sells the roosters and hens, with the roosters going to country flocks and breeders. He shelters unsellable but otherwise healthy chickens for the duration of their lives on his farm where they assimilate into his own large, free range flocks. In both scenarios, he medicates the birds to protect his flock, rendering them unfit to be eaten for several weeks, which is really not a big concern because the laying breeds that backyard enthusiasts keep are not very appropriate for eating for a variety of reasons. Likewise, they are not suitable for fighting.

We are so happy with this arrangement, and confident that it can be expanded, that we would welcome birds from the Salem area for keepers in need who are willing to make the drive. I would also be happy to consult with a local store or individual to set something up for your area.

I should also mention that our store runs free bi-monthly chicken keeping education classes that have helped hundreds of people learn what to expect and how to avoid common, usually minor, problems. We would welcome our friends from the valley to these classes and I's also consider doing one or two down there.

In closing, it has been my experience that urban chicken keeping is an fun, easy, humane and educational hobby. It has connected thousands of suburbanites and urbanites with where their food comes from while providing a low-cost, high-quality source of food. I strongly support home poultry keeping wherever appropriate.

If you have any further questions, please contact me through the store.

Sincerely,

**Robert Litt**

Urban Farm Store  
2100 SE Belmont Street  
Portland, Oregon 97214  
Phone (503) 234-7733  
[www.urbanfarmstore.com](http://www.urbanfarmstore.com)

## Attachment 6



1313 Main Street  
Dallas, OR 97338

July 22, 2010

To Whom It May Concern:

I have been involved in providing baby chicks to local residents since 1997. Over that time, we have sold more than 20,000 newly hatched pullets. One might assume that some of those reside in Salem.

Annually, we host Chick Day, The Poultry Event of the Year, on the first Saturday in April. This is a family event, where children accompany parents or grandparents to see, hold, and perhaps pick up some chickens for their family flock. Those same families come back year after year in a ritual that has become a rite of spring. Unlike livestock, chickens are relatively easy to keep in the most basic of structures, allowing even young children to experience the simple act of caring for another living being while developing an appreciation for our food supply.

Although many would question the motives behind an organization that claims to know what's best for Salem from 3000 miles away, let me address some of the concerns raised by those folks in Vermont. This comes from experience, not theory.

Most hatcheries guarantee 90% accuracy in sexing chicks. I have found that the better hatcheries exceed 95% overall. Just this morning, a customer mentioned to me that he had gotten one rooster in the batch of 24 chicks he had purchased this year. I consider that ratio typical. For those who want full assurance of their chicken's sex there are several popular breeds whose gender is linked to the color of the feathers, making identification straight forward and positive.

In our area, unwanted hens or the few roosters that sneak through are easily dealt with by posting on our public bulletin board or on Craigslist. Roosters are usually passed on to those who butcher chickens to feed their families. There is no shortage of people who can use a fresh, young meat bird. We've observed this for years among the less fortunate. It has recently broadened to include anyone who wants to feel more connected to their food supply.

I'm pleased to be a resident of Dallas, which earlier this year overwhelmingly approved residents' right to keep up to five hens inside the city. I recently spoke with Commissioner Brian Dalton, who explained that their decision was based upon a *presumption of competence* of those who wish to keep chickens responsibly. If a few residents prove incompetent to do so, the city will deal with resolving those issues at that time. What an inspiring thought, that citizens should be allowed the opportunity to prove they can act responsibly before being treated otherwise.

Seven months into Dallas's new chicken code, I have heard no one crying for its amendment or repeal. Few of us are surprised.

Regards,

Jon Hendersen  
President

503-831-1222

# Attachment 6

## Appendix J

### Ted Shepard - Fwd: Urban chickens and property values in Portland

**From:** "Dan Brown" <fortcollinshens@gmail.com>  
**To:** "Ted Shepard" <tshepard@fcgov.com>  
**Date:** 8/12/2008 4:18 PM  
**Subject:** Fwd: Urban chickens and property values in Portland

Ted,

Here are some comments from Jane Leo at the Portland Metropolitan Association of Realtors in regard to the impact of urban chickens on property values. Please include this in our documentation.

Regards,

Dan

----- Forwarded message -----

**From:** Jane Leo <JLeo@pmar.org>  
**Date:** Mon, Aug 11, 2008 at 2:36 PM  
**Subject:** RE: Urban chickens and property values in Portland  
**To:** Dan Brown <fortcollinshens@gmail.com>  
**Cc:** Michelle Jacobs <mjacobs@fcbr.org>

Dan--In response to your request for comment regarding the impact of chickens in a residential zone in the City of Portland, I can only iterate comments made during our telephone conversation. Chickens can be found in both older and newer Portland neighborhoods. City code, available at [www.portlandonline.com](http://www.portlandonline.com), regulates the distance the livestock area must be from residential units and the gender of the chickens. Roosters are forbidden. During my 14-plus years with the Portland Metropolitan Association of Realtors, I have not had a conversation with any member in which the discussion centered around chickens negatively impacting the desirability of a neighborhood nor housing values.

Best regards,

Jane Leo  
Governmental Affairs Director  
Portland Metropolitan Association of Realtors  
Direct Phone Line: 503/459-2163

---

**From:** Dan Brown [mailto:fortcollinshens@gmail.com]  
**Sent:** Friday, August 08, 2008 12:55 PM  
**To:** Jane Leo  
**Subject:** Urban chickens and property values in Portland

Jane,

Thank you very much for talking with me about the effects of urban chickens on property values in Portland, OR. There have been some concerns raised about the possible impact on property values of

file://C:\Documents and Settings\tshepard\Local Settings\Temp\GW100001.HTM

8/20/2008

This unofficial copy was downloaded from CityDocs at <http://prometheus.fcgov.com>  
For additional information or an official copy, please contact City Clerk's office at (970) 221-6515

# Attachment 6

September 14, 2010

To Whom it May Concern:

As a REALTOR®, I'm acutely aware of home and property trends and values. There definitely is a growing awareness nationwide, and within the Salem area, for more green and sustainable options in the way people utilize their resources and property. From my client interactions, it is clear that people want to have greener more sustainable options not only to save energy/money, but to be more self-sufficient, and environmentally responsible. These options not only benefit the people involved directly, but overall influence the community, nation and ultimately the world in positive ways.

Because of this growing need and desire for greener ways of living, and my own personal values in this area, I went through the educational process to secure my Green designation through the National Association of REALTORS®. This has attracted a new client base I am serving, and learning along with. Modes of green and sustainable products and activities are constantly evolving as people seek new ways of living in tune with their values.

As I view homes with my clients, I notice many people taking advantage of their residential lots to do more than grow lawns and flowers. I see many gardens in front yards, pepper plants and tomatoes put between roses and pansies, and lawns replaced with edible landscaping. It is evident that people are using their yards to grow food... This helps them not only save money, but provides many other benefits: connection to their property, their food source and their neighbors.

Many communities around the nation are allowing property owners to take this green, self-sustainable process even further by allowing homeowners to have a few backyard chickens. This is becoming the rule rather than the exception. These communities and their progressive stand on green and sustainable living attract citizens with those values. People with this increased awareness and value system tend to be better educated and have higher incomes. So it is natural to see that property values in these communities tend to be higher.

I work with many people relocating to our area. I get asked many questions about our city and how progressive we are with recycling programs and more. While the city is doing many wonderful things, one thing that is missing is the ability of people to have a few backyard hens like they do in other Oregon communities.

It is my hope, as a REALTOR®, with the Green designation, that I will be able to tell people contemplating coming to our area that Salem is as progressive a place to live as other communities that are nearby. While the word "green" may represent certain trends or fads - it is not a trend or a fad to feed one's family clean, affordable food. As I work with people in real estate, I have learned that having the opportunity to have a few backyard hens is something that home owners in our area would like to explore as a means for living a greener more sustainable life.

Nannette Martin, REALTOR®  
ABR®, e-PRO®, GREEN, SFR  
Broker Licensed in Oregon  
Prudential Real Estate Professionals

## Attachment 6

# Appendix K

---

From: **Emilio E DEBESS** (emilio.e.debess@state.or.us)  
Sent: Wed 10/28/09 10:36 AM  
To: Barbara Palermo (getaholdofbp@hotmail.com)

Hello Barbara,  
Thank you for your question and concern.

This genus has one species, influenza A virus. Wild aquatic birds are the **natural hosts** for a large variety of influenza A. Occasionally, viruses are transmitted to other species (jumping species) by mutation.

The statement was made after the reporter asked as to the origin of influenza viruses.  
As for the public, significant mutations have to happen **in wild birds** to pass it on to other animals and humans.

People are not at risk of developing influenza by having a domesticated bird at home (not wild).  
If a client has a wild bird at home, the chances of a virus mutation and the possibility of jumping species, (given that the bird has influenza) are minimal.

Let me know if that helps so I can send it out to the vet listserve  
Thank you

>>> "Barbara Palermo" <getaholdofbp@hotmail.com> 10/28/2009 10:15 AM >>>  
Hi Dr. DeBess,

A recent article in the Oregonian newspaper quotes you as saying "Birds are basically the origin of all flu viruses, historically, and they can get any and all flu viruses." Could you please explain what you meant by that. People seem to be worried that your statement means birds present a high public health threat, which I don't think is what you meant. In terms of flu viruses, can you say that people are any more likely to catch the flu from a bird than any other means? Aren't the chances of getting sick from a dog or cat greater than from a bird?

Thank you,  
Barbara

# Attachment 6

with **The Oregonian**

## **Ferret gets swine flu from its owner, a first**

By Jacques Von Lunen, Special to The Oregonian...  
October 20, 2009, 3:47AM

It appears that certain pets can catch swine flu from their owners.

Oregon just registered its first case of a natural human-animal transmission of the H1N1 virus. Actually, it may be the first such recorded case anywhere, said Emilio DeBess, Oregon state public health veterinarian.

A ferret, whose owner had shown flulike symptoms, tested positive for swine flu on Oct. 8.

The owners took the ferret to a veterinary clinic in Portland on Oct. 5 (DeBess said the clinic asked not to be identified.) The animal had severe respiratory illness and showed many of the symptoms people associate with the flu: fever, weakness, coughing and sneezing.

After hearing that the owner suffered from flu symptoms just before the ferret got sick, the treating veterinarian called DeBess, whose responsibilities include serving as a consultant to Oregon vets.

DeBess asked the vet to send in a sample of the ferret's nasal secretions. It was tested at an Oregon State University lab, which found genetic markers for the strain of H1N1 that's infecting humans. A lab of the U.S. Department for Agriculture confirmed the finding on Oct. 9.

This came as little surprise to DeBess. Ferrets, which are sensitive toward respiratory illness, have been used in labs to see how the flu will affect people, he said. But this may be the first case anywhere of a ferret catching the flu from its owner, without the help of lab technicians, he said.

The ferret is recovering.

DeBess put the staff at the clinic on "fever watch" after the test results came in. No one at the clinic had gotten sick as of last week, he said.

Ferret owners need to be careful during flu season. And that goes both ways. If you have a ferret that's sneezing and coughing, wash your hands a lot and definitely take it to a vet. If you are sick with flulike symptoms, handle your ferret sparingly. Don't cough or sneeze near it.

The same is true for birds, DeBess said. Birds are basically the origin of all flu viruses, historically, and they "can get any and all flu viruses," he said. However, no cases of birds contracting H1N1 are documented in this country.

In the past five years the flu virus has mutated into a strain called H3N8, which infects dogs. It's not known to transmit to humans. No known strain infects cats, and neither cats nor dogs can carry H1N1.

## Appendix L

*Because no one should be hungry.*



January 22, 2009

Mayor Janet Taylor and City of Salem Council Members  
555 Liberty St. SE, Room 220  
Salem, OR 97301

Dear Mayor Taylor and City Council Members:

Please accept this letter in support of the citizen based initiative to permit individual households to raise backyard hens within the City of Salem. The group has done an exemplary job of researching the issue and presents a strong and timely proposal for your consideration. We encourage Salem to follow the lead of other innovative communities in Oregon, including Portland, Corvallis, Eugene, Gresham, Beaverton, Hillsboro, and Milwaukie, that have passed ordinances that allow backyard hens within city limits.

Since 1987, Marion-Polk Food Share has been "leading the fight to end hunger" as the nonprofit regional food bank serving Marion and Polk counties. As the regional food bank, we provide centralized food collection and distribution, as well as fundraising and capacity building support, for our 80 member agency network. Last fiscal year, we provided 4.8 million pounds of emergency food and distributed 69,892 food boxes and 989,041 meals.

In Salem the need is especially great. Last year, within the city, we distributed 34,279 food boxes and served over 350,000 meals through 43 member agencies. Approximately 15,000 Salem households, representing 44,000 individuals reached out for emergency food assistance. A total of 3,336 *new households* in Salem received a food box (up 26% from the previous year). This represents the highest number of local residents we have seen coming for help in the 21 years of our existence.

As President of Marion-Polk Food Share, I am aware of the local and nationwide movement in support of backyard hens as a means to increase household self-sufficiency and reduce hunger. Recently we have worked with a dietician to put together a list of the most nutritious "core" food box items. Eggs are on this list for the quality nutrition they provide, especially for children.

At my house in rural Marion County, I raise 6 hens. I know firsthand how simple and clean it can be to raise chickens, and I benefit from having enough eggs for my family, as well as a weekly surplus that I donate to the local food pantry. At the Food Share, we see great hope in educating low-income community members about how to raise a few backyard hens to improve their nutrition and increase self-sufficiency. We envision households with not only enough for themselves, but with the potential to provide many dozen eggs each year to their local food pantry.

On behalf of the Food Share, and those we serve, I encourage you to pass an ordinance to allow backyard hens in Salem. It is another step we can take in our fight to end hunger in our community. If you have any questions, please call me at 503-581-3855, ext. 306 or e-mail [rhays@foodbanksalem.org](mailto:rhays@foodbanksalem.org).

Sincerely,

Ron Hays  
President

# Attachment 6

Tuesday, January 06, 2009

To City of Salem staff and Council members:

I am writing to express my strong support for raising chickens in residential areas within the city limits of Salem. A proposal to change this code is coming before you, and a deliberative and democratic process will determine the outcome of such a change in policy. What I am advocating for, as a garden project manager for Marion Polk Food Share, is to ensure the long-term sustainability of our community through myriad of ways, including community gardening, urban farming, and teaching a future of food growing that includes keeping hens. The cost-benefit of such an endeavor is one that favors the community, the neighborhood, and the home, from the constant supply of high protein food, to the production of appreciable quantities of highly concentrated manure, to the destruction of countless insects and consumption of kitchen and table scraps.

Marion Polk Food Share has a continuing interest in the building of partnerships that lead to the betterment of our community's health, self-reliance and sustainability. I see an opportunity to create neighborhood connections that bring people out of the woodwork, people that are interested in engaging in a process of getting back to the basics. More specifically, I see the development of sustainable models for keeping hens to be included in our growing foundation of food security curriculums, lessons of which will be delivered throughout and within neighborhoods in the coming years. Marion Polk Food Share itself has been considering small-medium and large scale production of eggs, and this change will only increase our capacity to meet our mission, which is to end hunger in Marion and Polk counties.

Thank you for your time and consideration. I will leave you with a quote from, "Five Acres and Independence," by M.G. Kains.

*"The best way to be successful with poultry is to start with a few hens, give them good care and comfortable quarters, and—keep both eyes open. By this I mean that one should study the matter in a practical way by familiarizing him/herself with the habits and requirements of his/her fowl..."*

Sincerely,



Jordan Blake – Garden Project Manager



Because no one should be hungry.  
1660 Salem Industrial Drive NE  
Salem, Oregon 97303

## Appendix M

---

Methane

ATTACHMENT 4

**From:** Lucinda Smith, Senior Environmental Planner, Department of Natural Resources  
**To:** Cameron Gloss  
**Date:** June 6, 2008  
**Subject:** City Council, Meeting of June 3, 2008, Follow-up to Question

I understand that a question was raised at the June 3 City Council meeting about the potential impact of urban hens on air quality, especially greenhouse gas emissions.

The U.S EPA Web site on methane emission sources (<http://www.epa.gov/methane/sources.html>) states that methane emissions from non-ruminant animals is insignificant:

**"Livestock enteric fermentation. Among domesticated livestock, ruminant animals (cattle, buffalo, sheep, goats, and camels) produce significant amounts of methane as part of their normal digestive processes. In the rumen, or large fore-stomach, of these animals, microbial fermentation converts feed into products that can be digested and utilized by the animal. This microbial fermentation process, referred to as enteric fermentation, produces methane as a by-product, which can be exhaled by the animal. **Methane is also produced in smaller quantities by the digestive processes of other animals, including humans, but emissions from these sources are insignificant.**"**

The U.S. EPA INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990-2006 (April 2008; USEPA #430-R-08-005) states that ruminant animals are the major emitter of methane because of their unique digestive systems. Ruminant animals have the largest methane emissions of all animals. The report calculates the methane emissions from beef cattle, dairy cattle, horses, sheep, swine and goats; it does not even consider chickens. (See [http://epa.gov/climatechange/emissions/downloads/08\\_Agriculture.pdf](http://epa.gov/climatechange/emissions/downloads/08_Agriculture.pdf))

Most likely, the impacts of increased urban chickens in Fort Collins would be insignificant on local greenhouse gas emissions, even before considering the net carbon impact which would factor in reduced organic food scrap decomposition and other potential benefits.

## Attachment 6



The End!

---

## Attachment 6

# Attachment 7

## Chicken-Keeping Policies in Oregon (Revised July 11, 2012)

Oregon Cities	# Hens Allowed	Setback from Property Line	Distance from Adjacent Dwellings	Minimum Lot Size	Comments
Astoria	Unlimited				
Beaverton	4		20'		Ordinance went into effect on 9/20/10.
Bend	4	15'	25'	6,000 sq ft	Requires a \$100 Farm Animal Permit.
Canby	Unlimited				Requires a free permit.
Cannon Beach	4	15'	15'		
Corvallis	Unlimited				Even roosters are permitted.
Dallas	5	10'			Adopted ordinance in January 2010.
Eugene	2	10'	25'		Citizens currently working to increase number of hens allowed.
Forest Grove	4		20'	5,000 sq ft	
Gresham	3	10'	25'		Adopted ordinance in December 2009 - Requires \$50 permit which is good for two years.
Hillsboro	Based on lot size	10'		See comments	Number of hens allowed depends on lot size (3 for 7,000-10,000 sq ft / 6 for 10,000 sq ft to 1 acre / 9 for 1 acre+). Permit required. Fee unknown.
Independence	5				Adopted ordinance in March 2012. Permit required (\$40 for 1 <sup>st</sup> 3-yr period, then \$15 for additional 3-yrs); neighbor notification required.
Keizer	3	10'			Adopted ordinance Aug 2011. Permit required with minimal processing fee.
Lake Oswego	Unlimited				
Lincoln City	Unlimited				
Monmouth	5	5'	15'		New ordinance takes effect Aug 5, 2012. Up to five hens allowed in fully fenced rear/side yards.
Portland*	5				
Salem	5		20'		Requires a one-time \$40 fee and must pass initial inspection for permit, which is good indefinitely.

# Attachment 7

--	--	--	--	--	--

- Multnomah County enforces the chicken ordinance for the city of Portland. If you have less than 4 chickens, the only requirement is that you keep no roosters and do not let hens roam freely. If you want 4 or more hens, you have to apply for a \$31 “special animal facility” permit and abide by further restrictions including property line setbacks, etc. People with 3 or less chickens who do not care for them properly and receive valid complaints can be made to get the permit and follow a more stringent set of rules.

As far as I know, the cities of Gervais, Aumsville, and Silverton still do NOT allow chickens in the city.

## Attachment 8

Chickens Comparative Ordinances - Other Jurisdictions						
	City of Salem	City of Albany	Jurisdiction City of Bend	City of Salem	City of Stayton	City of Creswell
<b>Issue</b>						
<b>Permitted in what zones?</b>	See below.					
<b>Number of chickens allowed</b>	Any residence within the city of Salem (excluding county islands within the urban growth boundary) will be permitted to keep up to five hens (no roosters) in rear yards. Chickens are also now allowed at churches, schools, and community gardens.	Not more than two animals on any lot less than 7,000 square feet in area; for each additional animal there shall be an additional 3,000 square feet of lot area. Persons desiring to keep more animals than permitted by this section may do so with approval of the City Manager only when written approval is obtained from the owners of all improved property contiguous to the applicant(s) and which is within 200 feet of any fence, hutch, or pen containing the animals.	up to 4 hens on lots 5,000 sq ft. or larger	In the city (excludes county islands w/in the urban growth boundary) 3 hens (no roosters) in rear yards.	No person owning, possessing, or having control of livestock, shall keep the animals except in a fenced area and on a lot having an area of at least 32,670 square feet (.75 acre) per animal.	1-3 hens/5,000 sq ft.
<b>General Provisions</b>	The chicken coop (wooden structure with walls & roof) is limited to a total of 120 square feet, but the run can be any size. Chickens can free-range within our fenced yards when under direct supervision. No selling of birds or eggs, and no slaughtering in the city. Chicken coops must be kept in a manner that does not create a nuisance (noise, odor, etc.) for neighbors.		Proper sanitation includes: a. Accumulation of waste prohibited b. Odors resulting from the keeping of farm animals prohibited beyond property lines, and c. Storing all farm animal food in rodent-proof containers. 3. Fencing: All fencing shall be designed and constructed to confine all farm animals within		No person owning, possessing, or having control of poultry, shall keep the animals except in a fenced area.	
<b>Setback or buffer standards</b>	5) The chicken facility (coop and run combined) must be at least 20' from residential dwellings on adjacent properties and 3' from the chicken owner's own house and any accessory structure in your yard that is larger than 200 square feet. There is no minimum lot size requirement and there is no distance from property line requirement.	All poultry, fowl, and rabbits shall be contained within hutches, fences, or pens inaccessible to other predatory animals and set back a minimum of 10 feet from adjoining property lines and 20 feet from any public right-of-way.	All structures that house large farm animals shall be located a minimum of 25 feet from all existing adjacent residences and at least fifteen (15) feet from any interior or rear lot line.	Chicken coop & run (combined): at least 20' from <u>dwellings</u> on adjacent properties & 10' from owner's house. No minimum lot size .	Fencing used for the purpose of containing poultry, as required by this section, shall not be located within ten feet (10') of a property boundary line.	Chicken allowed for single family dwellings only. No multi-family or manufactured home parks

# Attachment 9

## JUNCTION CITY COUNCIL AGENDA ITEM SUMMARY



---

### Allowance for Chickens and Ducks on residential properties

---

Meeting Date: June 12, 2012  
Department: Administration  
[www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)

Agenda Item Number: 9  
Staff Contact: Kevin Watson  
Contact Telephone Number: 541-998-2153

---

#### **ISSUE STATEMENT**

*This is an opportunity for the council and community to give comment on the possibility of allowing chickens and ducks on residential property within the City limits.*

#### **BACKGROUND**

The discussion of urban chickens has been bounced around multiple committees for over a year now with no final direction on how to proceed. Currently chickens and ducks are not permitted within City limits. That said, many communities around the State have recently amended their rules to allow the keeping of chickens and ducks on residential properties. Presented to the Council is a list of suggested rules if it's ultimately determined to move forward with the code amendment.

The suggested rules are a combination of guidelines used by a variety of communities around the State. One significant omission is not requiring a permit or fee. The City does not have the capacity to manage a permitting process. It's believed, it is not necessary for property owners to fulfill this requirement for the program to be successful. Chicken nuisance issues will be handled on the enforcement end. Ideally, we will coordinate with the proponents of urban chickens to provide education opportunities to the nuisance properties in hopes of self-policing the situation. If resolution isn't successful, staff will provide enforcement. However, research with other communities revealed that the number of chicken/duck nuisance calls is minimal and a non-issue.

Council does have the option to enact a sunset clause on this rule in the event the chicken/ducks do become a nuisance. We can revisit the issue a year from when the rules are being approved.

#### **RELATED CITY POLICIES**

- *Currently section 6.05.030 of the Junction City Code prevents the keeping of livestock, poultry, or bees within the City limits. Ordinance 591.*

#### **COMMITTEE REVIEW**

- *Finance and Public Safety Committee have reviewed.*

#### **COUNCIL OPTIONS**

- *Tentatively agree to the rules as stated and direct staff to integrate these rules into the zoning code and present to the Planning Commission.*

## Attachment 9

- *Amend the rules as stated and direct staff to bring back to Planning Commission to integrate into the zoning code.*
- *Do nothing and maintain the current code of not allowing chickens/ducks within City limits.*

### **CITY ADMINISTRATOR'S RECOMMENDATION**

- *Tentatively agree to the rules as stated and direct staff to integrate these rules into the zoning code and present to the Planning Commission.*

### **SUGGESTED MOTION**

- *Please provide staff direction on how to proceed from the listed options.*

### **ATTACHMENTS**

- A. Potential Chicken/Ducks rules

### **FOR MORE INFORMATION**

Staff Contact: *Kevin Watson, City Administrator*  
Telephone: *541-998-3125*  
Staff E-Mail: *kwatson@ci.junction-city.or.us*

# Attachment 9

## Draft guidelines for allowance of chickens and ducks:

Notwithstanding any conflicting provisions within the Junction City Development Code, no person shall keep chickens or ducks within the city, except under all of the following conditions:

1. A resident of a single-family dwelling in a residential zone may keep five (5) or fewer chickens/ducks on the lot or parcel on which the resident resides, in conformance with these guidelines.
2. Roosters are prohibited.
3. Except when under the personal control of the owner, chickens/ducks shall be confined at all times within a chicken coop or facility.
4. No chicken coop or facility, either temporarily or permanently, shall be located within 15 feet of any adjacent residence, or within ten feet of the owner's residence
5. A chicken coop or facility shall be located in the side or rear yard of the owner's residence, and shall comply with setback and accessory dwelling requirements of the Development Code in which it is located.
6. A chicken coop or facility shall be clean, dry, free of noticeable odors and in good repair
7. Waste matter shall be removed from the chicken coop or facility as often as necessary to prevent contamination, reduce disease hazards and minimize odors.
8. All food for chickens and ducks shall be stored in suitable, rodent-proof containers.
9. Fencing the chicken/duck run shall be designed and constructed to confine all chickens and ducks to the owner's property.
10. Chickens and Ducks must be kept in a covered, enclosed coop from dusk to dawn.

### Prohibitions:

1. Chickens and ducks shall be kept for personal, non-commercial use. Retail sale of eggs from the residence is prohibited. Fertilizer production or Breeding of chickens/ducks is prohibited.
2. No chickens or ducks may be permitted to run at large.
3. Chickens or ducks may not be slaughtered or killed in the City or as otherwise expressly permitted by law.



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Stacy Clauson, Lane Council of Governments  
**MEETING DATE:** October 11, 2012  
**RE:** Planning Activities

---

### **New Land Use Applications Submitted and/or Approved**

- None.

### **City Council Update**

- City Council meeting on October 9, 2012 was cancelled.

### **CCPC - CPR Phase II**

- City Council adopted the Planning Commission's recommendation. The application has been submitted to Lane County, with a tentative hearing date of December 4, 2012 before the County Planning Commission.

### **TSP Update**

- A meeting with the Citizen Advisory Committee was held on September 27, 2012. At the meeting, the Committee reviewed the draft existing conditions report, and provided comments on the goals and policies.

### **Building Activities:**

- See Attachment.

## Monthly Building Permit Report - 2012

Single-Family Residential										
Monthly Totals	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	2	0	2	1	8	5	5	3	7 *	26
Issued Permits	1	2	0	2	0	11	7	1	0	24
SFD - Total Sq Ft	2,659	2,339	0	2,899	0	21,942	13,099	3,835	0	46,773
SFD - Average Sq Ft	2,659	1,170		1,450	0	1,995	1,871	3,835		1,949
Permit Fees	\$ 2,209	\$4,946	\$0	\$5,406	\$0	\$ 33,289	\$ 21,324	\$ 5,431	\$ -	\$ 72,605
SDC Fees	\$ 12,208	\$24,415	\$0	\$24,589	\$0	\$ 135,238	\$ 86,061	\$ 12,294	\$ -	\$ 294,805
Zone of Benefit Fees	\$ 6,502	\$13,011	\$0	\$13,040	\$0	\$ 18,462	\$ 26,099	\$ -	\$ -	\$ 77,113
Total Valuation	\$ 302,631	\$281,000	\$0	\$336,374	\$0	\$ 2,598,694	\$ 1,554,622	\$ 471,000	\$ -	\$ 5,544,321
Residential Remodel/Addition										
Monthly Totals	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	0	1	2	0	1	3	2	2	0	11
Issued Permits	0	0	0	2	1	1	2	1	0	7
Permit Fees	0	0	0	6,453	143	154	175	65	0	\$ 6,991
Total Valuation	0	0	0	753,000	0	2,500	2,300	0	0	\$ 757,800
Commercial /Industrial										
Monthly Totals	January	February	March	April	May	June	July	August	September	Total
Submitted Permits	0	0	1	2	0	2	5	1	4	15
Issued Permits*	1	1	0	0	0	1	2	1	5	11
Permit Fees	\$163	\$987	\$0	\$0	\$0	\$9,747	\$389	\$2,438	\$905	\$ 14,629
SDC Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Zone of Benefit Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Valuation	\$0	\$50,000	\$0	\$0	\$0	\$25,000	\$6,000	\$0	\$36,000	\$ 117,000
Single Permits & ePermits										
Monthly Totals	January	February	March	April**	May	June	July	August	September	Total
Submitted Permits	7	14	10	6	17	25	15	18	0	112
Issued Permits	7	14	10	6	17	25	15	18	0	112
Permit Fees	\$894	\$2,066	\$866	\$530	\$1,531	\$5,797	\$3,089	\$4,719	\$1,343	\$ 20,836
All Permits										
Monthly Totals	January	February	March	April	May	June	July	August	September	Total
Submitted	9	15	15	9	26	35	27	24	#VALUE!	#VALUE!
Issued	9	17	10	10	18	38	26	21	5	154
Permit Fees	\$ 3,267	\$ 7,999	\$ 866	\$ 12,390	\$ 1,674	\$ 48,987	\$ 24,976	\$ 12,654	\$ 2,248	\$ 115,061
SDC Fees	\$ 12,208	\$ 24,415	\$ -	\$ 24,589	\$ -	\$ 135,238	\$ 86,061	\$ 12,294	\$ -	\$ 294,805
Zone of Benefit Fees	\$ 6,502	\$ 13,011	\$ -	\$ 13,040	\$ -	\$ 18,462	\$ 26,099	\$ -	\$ -	\$ 77,113
Valuation	\$ 302,631	\$ 331,000	\$ -	\$1,089,374	\$ -	\$ 2,626,194	\$ 1,562,922	\$ 471,000	\$ 36,000	\$ 6,419,121

\* Note As of 10-8-12 all 7 permits for new single family homes have been issued with an additional 3 waiting for pick up.