

# Update of Portland’s Bees and Livestock Regulations Proposed Draft—May 2020

These proposals will replace the  
[City’s current Title 13, Animals](#)

City Council must approve these proposals. Due to Convid-19 at this time there is no Council date, but staff anticipates Council may hold a public hearing sometime this summer. If you would like to be emailed updates on the status of the project, please call 503-823-1174 and ask to be placed on the project notification list. The code language to be reviewed by Council will be posted on BPS website prior to the council’s review.

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## TITLE 13 BEES AND LIVESTOCK

### Update of Portland's Bees and Livestock Regulations

The City of Portland is seeking to update the rules for keeping bees and livestock. The purpose of the update is to allow Portland residents to keep bees and livestock in an urban environment under certain circumstances and in a manner that supports the health and safety of people and animals, and reduces animal-related nuisances such as vermin, smells, noise and property damage.

#### Highlights of Proposed Update

- Replaces the existing permit process with regulations that establish objective standards and provide recommended best practices.
- Establishes two categories of Livestock.
  - “Backyard Livestock” are able to be kept humanely in urban backyards with minimum impacts to adjacent properties. These animals reflect the size of pets such as cats and dogs that are kept in urban backyards. Common examples include chickens, ducks, pigeons, rabbits and miniature goats/sheep/pigs.
  - “Large Livestock”, because of their size, require more space than typically found in urban backyards. These large animals also have the potential to create significant negative impacts on adjacent property. Common examples include horses (standard, small and miniature sized), cattle and standard sized goats/sheep.
- Regulates the maximum number of Backyard Livestock by type of animal, lot size, and minimum area dedicated to the animals. A certain number of Backyard Livestock are allowed on all lots; in most cases more animals are allowed on larger lots.

There is no maximum number of Backyard Livestock on lots 20,000 square feet or greater that allow agricultural uses either by right or through a conditional use review.

- Restricts Large Livestock to lots that are 20,000 square feet or greater and allow agricultural land uses either by right or through a conditional use review.
- Establishes requirements for livestock facilities that set a minimum required area dedicated to each type of livestock and ensure the facility is in good repair and able to be maintained in a clean and sanitary condition that prevents the animals from roaming at large.
- Creates separate standards for keeping bees based on Oregon State University Extension Service's Residential Beekeeping Best-Practice Guidelines, February 2018 and Model Residential Beekeeping Ordinance for Oregon Cities, League of Oregon Cities, June 2018. The proposed code also reflect comments received from the Portland Urban Beekeepers.
- Includes provisions for existing permitholders when the type or number of animals permitted do not meet the updated standards.

## **Title 13: Bees and Livestock**

### **Chapter 13.10 Purpose and Definitions**

Sections:

- 13.10.010 Purpose
- 13.10.020 Definitions

### **Chapter 13.20 Administration and Enforcement**

Sections:

- 13.20.010 Administration and Enforcement; Powers and Duties of Director
- 13.20.020 Existing Specified Animal Facilities Permits

### **Chapter 13.30 Keeping Bees**

Sections:

- 13.30.010 Owner Responsibilities
- 13.30.020 Apiary Standards

### **Chapter 13.40 Keeping Livestock**

Sections:

- 13.40.010 Owner Responsibilities
- 13.40.020 Backyard Livestock
- 13.40.030 Large Livestock
- 13.40.040 Livestock Facility

## CHAPTER 13.10 PURPOSE AND DEFINITIONS

### Sections:

- 13.10.010 Purpose.
- 13.10.020 Definitions.

### **13.10.010 Purpose.**

The purpose of this Title is to allow Portland residents to keep bees and livestock in an urban environment under certain circumstances and in a manner that supports the health and safety of people and animals, and reduces animals-related nuisances such as vermin, smells, noise and property damage by:

- A. Establishing and enforcing a maximum number of smaller livestock, such as chickens, ducks, rabbits and miniature goats, that could be allowed on a lot based on the type of animal, the size of the lot and a minimum required area dedicated to the animal.
- B. Allowing larger livestock, such as horses, cattle, standard sheep and goats, as well as domestic fowl with loud and potentially aggressive behaviors, such as geese, turkeys and peacocks, only on lots that allow agricultural land uses.
- C. Establishing standards for livestock facilities that keep animals humanely and reduce animal-related nuisances.
- D. Providing best practice recommendations for bee and livestock keepers to improve animal husbandry knowledge that supports the needs of the animals and reduces animal-related nuisances.
- E. Establishing procedures for addressing animal-related nuisances and violations to these regulations.

### **13.10.020 Definitions.**

As used in this Chapter, unless the context requires otherwise:

- A. **“Apiary”** means the place where bee colonies are located.
- B. **“Bees”** mean honey-producing insects of the species *apis mellifera* commonly known as honeybees.
- C. **“Beekeeper”** means a person who owns or has charge of one or more colonies of bees.
- D. **“Director”** means the Director of the City of Portland Bureau of Planning and Sustainability, or their designee.
- E. **“Livestock”** means animals including, but not limited to: fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other

domesticated farm animals excluding dogs and cats. For the purposes of this Title there are two categories of “livestock”.

1. **“Backyard Livestock”** are small animals that may be kept humanely in urban backyards with minimum impacts to adjacent properties. These animals include, but are not limited to: small domestic fowl, such as chickens, ducks, and pigeons; rabbits; and some miniature breeds of livestock (e.g., goats, sheep, pigs).
  2. **“Large Livestock”** are larger animals than Backyard Livestock and due to their size, require more space than typically available in an urban backyard to be kept humanely without the potential for significant negative impacts on adjacent properties. These animals include, but are not limited to: horses (standard and miniature); cattle; llamas; and standard size sheep and goats.
- F.** **“Livestock Facility”** means the area used for the keeping and confinement of livestock, including but not limited to shelters such as coops, hutches, stables and outdoor pen areas.
- G.** **“Livestock Keeper”** means any person who harbors, cares for, or exercises control over livestock animals.
- H.** **“Livestock Owner”** means the person who owns livestock.
- I.** **“Person”** means any natural person, association, partnership, firm, corporation or other legal entity.
- J.** **“Specified Animal Facility Permit”** means a permit granted by Multnomah County for the keeping of bees or livestock.

## CHAPTER 13.20 ADMINISTRATION AND ENFORCEMENT

**Sections:**

- 13.20.010 Administration and Enforcement; Powers and Duties of Director.  
13.20.020 Existing Specified Animal Facility Permits.

**13.20.010 Administration and Enforcement; Powers and Duties of Director.**

- A. It shall be the responsibility of the Director to enforce the provisions of this Title.
- B. The Director is authorized to inspect property for the purpose of enforcing this Title. Persons designated by the Director to enforce this Title shall bear satisfactory identification reflecting the authority under which they act and such identification shall be shown to any person requesting it.
- C. The Director may adopt procedures, forms and penalties necessary for administering and exercising the authority under this Title.

**13.20.020 Existing Specified Animal Facility Permit Holders**

- A. **Bees.** If the number of permitted hives as of [*insert council adoption date*] exceeds the number allowed by this Title, the number of hives may be maintained if the provisions of this Title and the conditions of approval of the permit issued by Multnomah County are met.
- B. **Livestock.** If the number of permitted livestock animals as of [*insert council adoption date*] exceeds the number allowed by this Title, the animals be will allowed to be kept through the remainder of their lives but may not be replaced beyond the number currently allowed by this Title. Permitted animals that were on site as of August 1, 2020 that are no longer allowed under Title 13 (e.g., livestock only allowed in zones where agricultural uses are allowed) may live out their lives but cannot be replaced. The provisions of this Title and the conditions of approval of the permit issued by Multnomah County must be met.

## CHAPTER 13.30 KEEPING BEES

### Sections:

- 13.30.010 Owner Responsibilities.
- 13.30.030 Apiary Standards.

### 13.30.010 Owner Responsibilities.

- A. **Requirements and best practice recommendations.** All beekeepers must meet the provisions of this Title and any administrative rules for best practices determined applicable by the Director.
- B. **Nuisances complaints.** Beekeepers are required to respond immediately to remediate nuisance complaints regarding their bees such as, but not limited to: hive placement, swarming, waste removal, watering practices, or hive entrance orientation.
- C. **Oregon Department of Agriculture.** Beekeepers must comply with all Oregon Department of Agriculture registration requirements.

### 13.30.020 Apiary Standards.

- A. **Maximum Number of Hives.** Up to four (4) hives may be kept on any lot. Up to six (6) hives may be kept on lots 10,000 square feet and greater. During the months of April through August an additional three (3) hives may be kept to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms. There is no maximum number of hives on lots that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use.
- B. **Maintenance.** All hives must be kept in sound and usable condition with adequate space and management techniques to prevent overcrowding and swarming.
- C. **Water.** There must be a convenient source of water available to the bees at all times during the months of March through October.
- D. **Flyaway barrier.** Hives must meet one of the following standards that direct bees to fly at an elevation of at least 6 feet above ground level as they leave the property where their hives are located.
  - 1. A flyaway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof established and maintained parallel to the lot line and extends 10 feet beyond the hives in each direction; or
  - 2. The hives are located at least 10 feet above ground level; or
  - 3. Neighboring structures or vegetation create a flyaway barrier that direct bees to fly at an elevation of at least 6 feet above ground level as they leave

the property where their hives are located.

**E. Setbacks.**

1. Hives must be located at least 3 feet from all property lines.
2. Hives must be located at least 15 feet from public walkways and streets and any public outdoor spaces used for, but not limited to, seating, playgrounds and recreational fields.
3. On lots with more than one residential unit, hives must be located at least 15 feet from the walls of all residential units and any outdoor spaces used for, but not limited to, seating, playgrounds and recreational fields.

**F. Other development standards.** If applicable, all structures 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.



## CHAPTER 13.40 KEEPING LIVESTOCK

### Sections:

- 13.40.010 Owner Responsibilities.
- 13.40.020 Backyard Livestock.
- 13.40.030 Large Livestock.
- 13.40.040 Livestock Facility Standards.

### 13.40.010 Owner Responsibilities.

- A. **Requirements and best practice recommendations.** All livestock keepers must meet the provisions of this Title and any administrative rules for best practices determined applicable by the Director.
- B. **Nuisance complaints.** The keeping of livestock will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health. Livestock keepers are required to respond immediately to remediate nuisance complaints, including but not limited to: waste removal and general upkeep of the livestock facility, feeding or watering practices that attract rats, animal noises and animals roaming off the property they are being kept.
- C. **Contagious diseases.** A livestock keeper must contact a licensed veterinarian to examine any animal believed to have a disease contagious to animals (e.g., mange, eczema) or humans (e.g., ringworm, hepatitis, rabies). The animal in question must be confined in a secure enclosure until it is declared free of the disease by a licensed veterinarian.

### 13.40.020 Backyard Livestock.

#### A. Chickens and other domestic fowl.

- 1. Up to four (4) chickens, ducks, pigeons and/or other similarly sized domestic fowl may be kept on any lot. Up to six (6) small domestic fowl may be kept on lots 10,000 square feet and greater. In addition to these numbers, up to four (4) small domestic fowl under 12 weeks of age are allowed. There is no maximum number on lots 20,000 square feet or greater that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use.
- 2. Geese, turkeys, peacocks, emus and/or other larger domestic fowl that have a tendency to be loud and/or aggressive, may be kept on lots 20,000 square feet or greater that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use. Six (6) geese, turkeys, peacocks, emus or other similarly sized domestic fowl are allowed on lots 20,000 square feet or greater. Two (2) additional animal is allowed for each 5,000 square feet greater than 20,000 square feet.

3. It is unlawful to have or keep roosters except for agricultural purposes on lots that allow agricultural uses.
4. It is unlawful to color or dye any fowl under two months of age.

**B. Rabbits.**

1. Up to four (4) rabbits may be kept on any lot. Up to six (6) rabbits may be kept on lots 10,000 square feet and greater. These numbers do not include rabbits under 12 weeks of age that are the offspring of a resident female rabbit. There is no maximum number on lots 20,000 square feet or greater that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use.
2. It is unlawful to color or dye any rabbit under two months of age.

**C. Miniature goats and miniature sheep.**

1. Up to three (3) miniature goats and/or miniature sheep may be kept on any lot. Up to five (5) miniature goats and/or miniature sheep may be kept on lots 10,000 square feet and greater. Nursing offspring that exceed the number allowed may be kept until weaned, but no longer than 12 weeks from birth. There is no maximum number of miniature goats and/or miniature sheep on lots 20,000 square feet or greater that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use.
2. Upon request from the Director, animal keepers must produce documentation that their animal is a recognized miniature breed and weights no more than 100 lbs.
3. Standard size goats and sheep must meet the standards of Large Livestock Section 13.40.030.

**D. Miniature pigs.**

1. Up to two (2) miniature pigs [commonly referred to as Miniature Vietnamese, Chinese or Asian Potbelly pigs (*sus scrofa vittatus*)] may be kept on any lot if the pig's maximum height is no greater than 22 inches at the shoulder and it weighs no more than 150 pounds.
2. Upon request from the Director, animal keepers must produce documentation that their animal is a recognized miniature breed and weights no more than 150 lbs.
3. With the exception of Subsection 13.40.020 D.1., it is unlawful to have or keep any live pigs or swine for a period longer than 3 days.

**13.40.030 Large Livestock.**

Large Livestock may only be kept on lots 20,000 square feet or greater that allow agricultural uses through Title 33: Zoning, or that have an approved conditional use.

**A. Maximum number**

1. Two (2) standard goats, standard sheep, miniature horses, or other similarly sized livestock are allowed on lots 20,000 square feet or greater. One (1) additional animal is allowed for each 10,000 square feet greater than 20,000 square feet.
2. One (1) horse, cow, llama or similarly sized livestock is allowed on lots 20,000 square feet or greater. One (1) additional animal is allowed for each 20,000 square feet greater than 20,000 square feet.

**B. Additional standard for Large Livestock.** It is unlawful to picket any Large Livestock or allow them to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

**13.40.040 Livestock Facility Standards.**

**A. Required area dedicated to livestock**

1. Chickens and other domestic fowl. Each fowl over 12 weeks of age must be provided a minimum of 10 square feet of usable shelter or pen area.
2. Rabbits. Each animal over the age of 12 weeks must be provided a minimum of 4 square feet of usable shelter or pen area. A doe and her litter must be provided at least 7.5 square feet of shelter or pen area.
3. Miniature goats, sheep and pigs. Each of these animals, other than their young under the age of 12 weeks, must be provided a minimum of 200 square feet of usable shelter or pen area.
4. Miniature horses and standard size goats and sheep. Each of these animals, other than their young under the age of six months, must be provided a minimum of 10,000 square feet of usable shelter or pen area.
5. Cows, horses and similar large livestock. Each of these animals, other than their young under the age of six months, must be provided a minimum of 25,000 square feet of usable shelter or pen area.

**B. General standards.** The following standards must be met to ensure the livestock facility is in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, disease, and obnoxious smells.

1. The health or well-being of the animal must not in any way be endangered by the manner of keeping or confinement;

2. The livestock facility must be adequately lighted and ventilated;
3. A replaceable ground cover, appropriate to the type of animal being kept, must be used to reduce smells and flies; and
4. All food and any materials that attract vectors must be stored in vector-proof containers.

**C. Secure enclosure.**

1. Livestock facilities must be designed and maintained to confine the livestock. Under the livestock keeper's supervision livestock may be allowed outside of the livestock facility but must stay on the property it is being kept. Livestock may never be allowed to roam at large.
2. On lots with more than one residential unit, livestock must be confined to the livestock facility at all times.
3. Adequate safeguards must be made to prevent unauthorized access to the animals by general members of the public.

**D. Setbacks.**

1. Structures in a livestock facility must be located at least 3 feet from side and rear property lines and at least 10 feet from the front property line.
2. On lots with more than one residential unit, livestock areas must be located at least 15 feet from the walls of all residential units and any outdoor spaces used for activities such as, but not limited to, seating, playgrounds and recreational fields.

**E. Other development standards.** If applicable, all development in the livestock facility 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.