Chapter 602

Bees

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CROSS REFERENCES

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602.010 Definitions. As used in ORS 602.010 to 602.100, the term:

(1) "Apiary" includes bees and appliances, wherever they are kept, located or found.

(2) "Apiarist" means any person, firm or corporation who owns bees or is a keeper of bees.

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

(4) "Bees" means honey-producing insects of the species Apis mellifica 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.

(5) "Colony" or "colonies of bees" refers to any hive occupied by bees.

(6) "Department" means the State Department of Agriculture.

(7) "Disease" means American or European Foulbrood or any other disease or any condition affecting bees or their brood which may cause an epidemic.

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

(9) "Inspector" means any person authorized to enforce the provisions of ORS 602.010 to 602.100.

(10) "Location" means the premises upon which an apiary is located.

(11) "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 ORS 602.010 to 602.100, in the regular course of business.

602.020 Chief Apiary Inspector. The department is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to carry out ORS 602.010 to 602.100. The administration of such sections by the Chief Apiary Inspector shall be under the direction and control of the Director of Agriculture.

602.030 Inspection of apiaries; notice to eradicate and eradication of disease; quarantine of apiaries. (1) The Chief Apiary Inspector shall make, or cause to be made, whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. When the person in charge of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary or mailing a copy to the owner's registered address.

(3) The owner or person in charge of any diseased apiary must eradicate such disease within the time specified in the notice. If the disease is American Foulbrood, the time specified in the notice shall not be less than 24 hours nor more than 120 hours from the time of serving notice. Eradication of American Foulbrood shall be by burning the diseased colonies, including the bees, brood, combs, frames, honey and wax, and by burying the ashes and disinfecting the hives by means approved by the department.

(4) Any apiary which is found to contain five percent or more colonies of bees infected with American Foulbrood may be summarily quarantined by the department. Colonies of bees which have died because of such infection shall be counted in computing the percentage of colonies infected. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. During the quarantine no bees, honey, equipment or other materials may be removed from the apiary, except under the supervision of an inspector, and for the purpose of eradicating the disease. The quarantine shall be removed when an inspection by the department made at least 30 days after the last previous inspection shows the apiary apparently free from American Foulbrood. [Amended by 1953 c.400 §7]

602.040 Diseased apiary declared public nuisance; abatement; limitations on moving diseased bees. (1) Every apiary in which diseased bees are found is declared to be a public nuisance. Whenever any such nuisance exists and the owner refuses or neglects, after notice by an inspector to abate it within the time specified in the notice issued under ORS 602.030, the inspector shall abate it by

burning the condemned hives and their contents, including bodies, bottom boards, covers and supers, within 48 hours after the expiration of the time specified in the notice. During the period of time specified in such notice and during any extended time permitted under the provisions relative to an appeal for diagnosis as provided by ORS 602.050, no person shall remove any of the hives or their contents which are marked to indicate infestation with American Foulbrood, except that the hive or its contents may be removed by the owner or bailee for the purpose of destroying it under the supervision of an inspector.

(2) If, upon inspection of an apiary, European Foulbrood is found to exist therein to a serious extent, no colonies shall be removed from such apiary except under the supervision of an inspector and after affected colonies have been treated in a manner which shows the disease is being eradicated. [Amended by 1953 c.400 §7]

602.050 Laboratory test for existence of American Foulbrood. The inspector may take a sample of material from any hive suspected of containing American Foulbrood. Such sample shall be submitted to the department or to a laboratory designated by the department to test for the presence of American Foulbrood. The findings of the department or the designated laboratory shall be deemed prima facie correct.

602.060 Prohibited conduct. (1) No person shall:

(a) Possess any bees which have not been registered as provided by ORS 602.090;

(b) Interfere with any inspector engaged in the performance of his duties pursuant to ORS 602.010 to 602.100;

(c) Keep bees in hives with immovable combs; or

(d) Damage or destroy bees or their equipment by poison, by moving them a short distance or by any other means. Any person violating this provision is liable for the damages, which may be recovered in an action at law.

(2) No person in possession of an appliance, hive or equipment contaminated with any disease shall negligently or wilfully expose or handle such appliance, hive or equipment in a manner which will permit bees to become infected with such disease.

(3) No person shall carelessly or negligently expose combs wet with honey or combs containing honey or pollen to bees. [Amended by 1953 c.400 §7]

602.070 Movement of bees; notice; inspection. (1) No person shall move bees from one location to another within this state without notifying the department, in writing, of such movement within five days after moving the bees. The written notice shall state the number of colonies moved, the location from which and to which the bees were moved and proper directions for locating the bees.

(2) When the department receives notice of a movement of bees it shall, if it deems it necessary, make an inspection of such bees for the presence of disease.

(3) When an inspection is requested by any person for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for such certificate shall pay the cost of inspection, including per diem and traveling expenses of the inspector. [Amended by 1953 c.400 §7]

602.080 [Repealed by 1953 c.400 §7]

602.090 Registration of apiaries. (1) Every person within the state who owns or is in charge of any apiary located within this state, shall cause such apiary to be registered with the department 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 and address of the owner. The registration shall be made before April 1 of each year and whenever colonies are acquired from sources other than his own registered apiaries thereafter. Each registrant shall furnish an address to which any notice required by ORS 602.010 to 602.100 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 of $1 per applicant. The application shall also be accompanied by a colony registration fee of 15 cents for each colony of bees owned by the applicant over six in number.

(4) When the ownership of bees which have been subject to the charge provided in this section is changed, the department may transfer the registration to the new owner

without charges. However, if the new owner has not been previously registered, he shall pay the registration fee of $1. [Amended by 1953 c.400 §7]

602.100 Establishing standards of colony strength; certification of hives. (1) The department shall, after public hearing, establish standards of colony strength for apiaries used in the commercial pollenization of agricultural and horticultural crops.

(2) For purposes of this section "colony strength" has reference to the potential of a hive of bees to pollenize horticultural or agricultural crops. Standards of colony strength shall be based upon, among other things:

(a) The number of bees per hive.

(b) The number of cells containing brood per hive.

(c) The health of the bees and the brood.

(d) Such other factors as may relate to the ability of the colony to pollenize horticultural and agricultural crops.

(3) The department may at such places as the volume of business is found to warrant the furnishing of such work, provide qualified inspectors who shall carry on colony strength certification work. The department may identify and certify hives of bees used in commercial pollenization on the basis of colony strength. The department shall establish a schedule of fees to cover the cost of inspection and certification of hives for colony strength.

602.110 Registration of apiary equipment. (1) Upon receipt of an application of any person therefor, accompanied by a fee of $1, the State Department of Agriculture shall register, in a registration book kept in its office for that purpose, the apiary equipment identifying brand of such applicant, if a certificate for such brand has not been previously issued. Any person owning apiary equipment who, prior to July 5, 1947, was not in possession of any established apiary equipment identifying brand, may make application to the department for a serial-number brand therefor.

(2) Upon receipt of any application for the issuance of a serial-number brand, accompanied by a fee of $1, the department shall issue to the applicant, an exclusive apiary equipment serial number and shall register it as provided by this section.

(3) Every application for the registration of an apiary equipment brand or for an apiary equipment serial number shall contain the name and address of the applicant and the name of the county in Oregon in which such applicant regularly keeps the greatest number of bee colonies. Such information shall be registered, together with the brand or apiary equipment serial number of such applicant.

602.120 Issuance of brand or serial number certificate. Upon the registration of the brand or the issuance of an apiary equipment serial number as provided by ORS 602.110, the State Department of Agriculture shall issue to the applicant a certificate setting forth a concise description of the brand or the serial number. The possession of this certificate entitles the person in whose name it is issued to the exclusive and sole use of the brand or apiary equipment serial number described or set forth in it.

602.130 Identification of hive bodies, supers and frames. Every person who is in possession of an apiary equipment brand or apiary equipment serial number, as provided by ORS 602.110, shall identify all hive bodies and supers by burning a replica of the apiary equipment brand or apiary equipment serial number on both ends of all hive bodies and supers. Such replica shall be not less than one-half inch in height. Such persons may identify frames with the replica of the brand or serial number permanently on the top bars thereof. A replica of the brand or serial number may be permanently placed on any other equipment in any manner or position desired.

602.140 Transfer of ownership of apiary equipment. (1) In case of a transfer of ownership of any apiary equipment by the possessor of a registered and certified brand or serial number, a copy of the bill of sale specifying the equipment transferred, as to identification and amount, shall be forwarded by registered mail to the State Department of Agriculture. The department shall record such bill of sale in a book kept in its office for that purpose.

(2) In no case, after any such transfer of apiary equipment, shall the replica of the original brand or serial number be defaced or obliterated. The brand or serial number, if any, of the new owner, shall be placed below the original brand or, if that is not possible, then as near to the original brand as can conveniently be done.

602.150 Prohibited conduct relating to brands and serial numbers. No person shall:

(1) Alter, deface, remove or obliterate the replica of a registered brand or serial number which appears on any apiary equipment, with the intent to steal it or prevent the identification thereof.

(2) Have in his possession any apiary equipment upon which appears a replica of any registered brand or serial number, unless such person is the possessor of a certificate of registration for such brand or serial number issued by the State Department of Agriculture, if a bill of sale for such apiary equipment has not been previously forwarded to the department as provided by ORS 602.140.

(3) Have in his possession any apiary equipment which has previously borne the replica of a registered brand or serial number, but which brand or serial number has been altered, defaced, obliterated or removed.

602.160 Posting registration number or statement of ownership. Any owner or possessor of an apiary in which there are hives that are not marked with a registered brand or apiary equipment serial number, shall, unless such apiary is located at the owner's place of residence or beekeeping headquarters, post and keep posted in a prominent place at each apiary, in figures at least one inch high, the registration number issued by the State Department of Agriculture which currently applies to the colonies of bees in such apiary. In lieu of posting such registration number, such owner or person in possession may post a statement of the ownership of the apiary giving on it the name and address of the owner.

602.170 Jurisdiction of courts. The district courts and circuit courts have concurrent jurisdiction with justice courts in the enforcement of ORS 602.010 to 602.100.

602.180 Disposition of fees collected and moneys appropriated. All fees and moneys collected or received by the department under ORS 602.010 to 602.100 shall be paid into the department account in the State Treasury.

602.990 Penalties. (1) Violation of any of the provisions of ORS 602.010 to 602.100 is punishable, upon conviction, by a fine not exceeding $500 or imprisonment in the county jail not exceeding six months, or both.

(2) Violation of any of the provisions of ORS 602.110 to 602.160 is punishable, upon conviction, by a fine not exceeding $100 or imprisonment in the county jail for not less than 10 days nor exceeding six months, or both.