

Oregon State University Extension Service

Frequently Asked Questions About the Residential Beekeeping Legislation, House Bill 2653 of 2015

January 2018



Honey bee hives in a residential environment

Note: As used herein, unless otherwise indicated, the terms *beekeeping*, *beekeepers*, *bees*, etc. apply to and refer only to the keeping of honey bees (*Apis mellifera*).

QUESTION: WHAT IS HOUSE BILL 2653?

The premise behind HB 2653 is that well-educated beekeepers, community members, and government officials are key to ensuring the stability of pollinator populations in urban areas. In recognition of the importance of education, HB 2653 requires the Oregon State University (OSU) Extension Service to produce written *Best Practices* guidelines that detail the best practices for residential beekeeping. When applied, these practices are meant to maximize the benefits of beekeeping, reduce the risk of nuisance, and provide clear guidance on how to deal with nuisance issues if they arise. The OSU Extension Service is required under the HB 2653 to collaborate with the League of Oregon Cities and the Association of Oregon Counties in making this information available to governments, beekeepers, and the general public.

QUESTION: WHAT ARE LOCAL GOVERNMENTS' RESPONSIBILITIES UNDER HB 2653?

Under HB 2653, all local city and county governments shall review their current beekeeping ordinances, and make any changes or additions to their ordinances by January 1, 2019. A local government's first responsibility is to read and under-

stand the *Best Practices* guidelines. They then must assess whether these guidelines, in conjunction with local nuisance ordinances (when needed), are sufficient to balance the needs of the public, property owners and beekeepers. In other words, local government is tasked with considering whether these guidelines and existing nuisance ordinances can eliminate the need for developing and servicing specific beekeeping regulations.

QUESTION: WHY TAKE AN EDUCATION AND OUTREACH APPROACH?

1. **The explosive growth of residential beekeeping.** Residential beekeeping is increasing in popularity as a form of recreation, food production, and education. Concern about declining bee populations, interest in producing more food locally, and a desire to support the pollination of local plants have all spurred a growing interest in beekeeping. This popularity can be seen in:
 - a. Increased incorporation of beekeeping into local cultural activities: beekeeping festivals, beekeeping classes, etc.
 - b. Increased use of beekeeping for its educational value: beehives in schools, science centers, community gardens, etc.
 - c. Increased membership in community beekeeping organizations.
 - d. Increased amount of public initiatives to increase and allow the presence of bees in cities and residential areas.
2. **Challenges associated with the growth of residential beekeeping.** While this increase in beekeeping popularity comes with many benefits, there is also the drawback that some beekeeping may develop into a nuisance. HB 2653 acknowledges that residential beekeeping may develop into a nuisance for two reasons: 1) poor beekeeping practices and 2) public misconceptions about the risks of beekeeping. Without education and outreach



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to beekeepers and the general public, local governments may be drawn into conflicts between homeowners, the public and beekeepers.

3. **The need for education and outreach.** Education and outreach is the most effective way to reduce beekeeping conflicts that might arise from residential beekeeping. Without education, local governments could be called upon to resolve an issue that they do not have prior experience in handling, or that they do not have enough background knowledge to resolve. Among beekeepers, as well as public advocates for bees, it is well known that specific beekeeping regulations most often lead to unwarranted restrictions. Under HB 2653 the OSU Extension Service has prepared a set of *Best Practices* guidelines for beekeepers that will reduce nuisance beekeeping, and provide a public outreach for residential beekeeping. These *Best Practices* guidelines were produced under a peer-review process that ensured objectivity and science-based practices. Moreover, the OSU Extension Service will help train local volunteers with the Oregon Master Beekeeper program and the Oregon State Beekeepers Association (OSBA) to provide on-the-ground education and outreach to municipality/county governments, and to liaison with government officials when considering and interpreting the *Best Practices* guidelines and beekeeping issues.

QUESTION: WHAT IS IN THE BEST PRACTICES GUIDELINES?

The *Best Practices* guidelines produced by OSU Extension Service serve as a unified educational resource on best beekeeping practices. The *Best Practices* guidelines outline what beekeepers can do to reduce the risk of nuisance and resolve conflicts by specific recommendations in five areas:

General Beekeeping Education. It is the responsibility of the beekeeper to be well-educated on beekeeping practices and local and state beekeeping regulations. This section of the *Best Practices* discusses what types of education aspiring beekeepers are expected to receive, and then summarizes the educational resources available to them.

Establishing Residential Apiaries. The set-up of a residential apiary can significantly reduce nuisances. This section of the *Best Practices* details key elements of apiary set-up, such as setback of a hive from a neighboring property line, how to judge how many colonies to place per apiary location, and how to manage bee flight paths to ensure bees stay clear of neighbors and the public.

Residential Colony Management. How a colony is managed will determine whether it develops into a nuisance or not. This section of the *Best Practices* guidelines outlines key elements of how to mini-

mize colony defensiveness, ensure that colonies do not swarm and limit water foraging to within the beekeeper's property.

Beekeeper-Neighbor Communication. Proactive communication between residential beekeepers and neighbors is a key element to ensuring that both:

- a. homeowner misconceptions around residential beekeeping can be addressed and minimized
- b. beekeepers become aware of specific concerns that homeowners might have.

The *Best Practices* guidelines direct beekeepers to specific OSU Extension informational materials to help them talk to neighbors and encourages beekeepers to find opportunities in their community to help educate the public on residential beekeeping.

Legal and Regulatory Matters. A conflict is one of the few situations where beekeepers, the public, and local governments might all directly interact with one another. The *Best Practices* guidelines provide information on bee colony registration and how to proceed if a beekeeper has been given a notice of violation. In response to a notice or citation, it is the responsibility of the beekeeper to work with code enforcement staff, along with the Oregon State Beekeeper's Association and OSU Pollinator Health, to identify the cause and solution of a nuisance issue.

QUESTION: HB2653 ALSO TALKS ABOUT PUBLIC EDUCATION. WHAT FORM WILL THE EDUCATION TAKE? WHO WILL DO IT?

The OSU Pollinator Health Extension program will coordinate a public outreach and education plan focused on residential beekeeping. Education and outreach resources will be housed on a website managed by the OSU Pollinator Health Extension program, with the URL residentialbeekeeping.org. The program would primarily be delivered to the public through a promotional campaign that will be staffed by trained volunteers from the Oregon Master Beekeepers and OSU Master Gardeners. Public outreach will take multiple forms, from Master Gardener information booths at farmer's markets, to presentations and information sessions with community associations, and the general public. By educating the public about the presence of bees in residential areas, the benefits that come with their presence, and the non-aggressive behaviors of bees, a more accepting and less reactive attitude toward residential beekeeping can be fostered in Oregon communities.

Additional Questions that May Arise During the Regulation Review Process:

QUESTION: A LOCAL GOVERNMENT SEES THAT THERE IS A DISCREPANCY BETWEEN THEIR REGULATIONS AND WHAT THE GUIDELINES OUTLINE—WHAT SHOULD THEY DO?

The guidelines focus on how to prevent their beekeeping from becoming a nuisance, and are meant for the beekeeper, rather than a prescriptive set of practices that may not apply across all urban contexts. Local government should consider whether their local nuisance ordinances, in combination with these guidelines, are more effective and sustainable than specific beekeeping regulations.

QUESTION: IF LOCAL GOVERNMENT RELIES ON NUISANCE ORDINANCES TO DEAL WITH CONFLICTS AROUND RESIDENTIAL BEEKEEPING, HOW CAN WE USE THE GUIDELINES TO REACH A SOLUTION?

In the event that a residential beekeeper triggers a nuisance complaint, OSU Pollinator Health Extension will provide support to local enforcement in being able to understand the guidelines and determine how the beekeeper's practices have contributed to the nuisance. The Oregon State Beekeepers Association in conjunction with OSU Pollinator Health will then assist the beekeeper to develop a plan to remove the nuisance and recommendation to bring their beekeeping in compliance with the guidelines. Local government would check to see if the beekeeper has changed their practices as recommended. If they have not, the government can cite them for nuisance.

QUESTION: WHAT RESOURCES CAN OSU EXTENSION SERVICE PROVIDE TO HELP RESOLVE A NUISANCE ISSUE?

OSU Pollinator Health Extension can offer numerous services to aid in the prevention of nuisance issues. First, it will provide general public education around residential beekeeping, to help the public discern the difference between bees and nuisance insects such as yellowjackets. The Pollinator Health Extension website will also maintain an updated list of beekeepers in each county that can be contacted to remove swarms or deal with other unwanted bee behaviors. There will also be a list of beekeepers in each municipality that are trained on how to present the material within the guidelines. They can serve as valuable sources of information or counsel. It will be the responsibility of OSU Extension Service to keep both lists up to date. In addition, OSU Pollinator Health Extension is available to provide guidance around the interpretation of the guidelines.

QUESTION: BEFORE YOU CITE—WHAT SHOULD CODE ENFORCEMENT DO WHEN RESPONDING TO A COMPLAINT AROUND RESIDENTIAL BEEKEEPING?

If a code enforcement officer confronts a potential beekeeping-related nuisance, steps they might include taking include:

- a. reaching out to OSU Pollinator Health Extension to

understand OSU's residential beekeeping guidelines in order to gain a better understanding of what the beekeeper should be doing to avoid creating a nuisance.

- b. asking the beekeeper for documentation of how they have followed the guidelines.
- c. contact the Oregon State Beekeepers Association and request a local representative meet with the officer to discuss how best to eliminate the nuisance.

QUESTION: SECTION 4 OF THE ORDINANCE STATES: "A LOCAL GOVERNMENT SHALL REVIEW EXISTING ORDINANCES AND DETERMINE WHETHER TO ADOPT NEW ORDINANCES RELATING TO RESIDENTIAL BEEKEEPING WITHIN THREE YEARS OF THE EFFECTIVE DATE (by JANUARY 2019)". WHAT RESOURCES ARE AVAILABLE TO FACILITATE THIS REVIEW?

In addition to this FAQ guideline, OSU Pollinator Health Extension and Oregon State Beekeepers Association will organize a series of webinars explaining the guidelines. Local government can also directly reach out to OSU Pollinator Health Extension and to the Oregon State Beekeepers Association if they have further questions.



APPENDIX— OREGON RESIDENTIAL BEEKEEPING LAWS
House Bill 2653 (Now ORS 602.035 and 602.045)

AN ACT

Relating to location of apiaries.

Whereas residential beekeepers contribute to the overall stability of pollinator populations within urban areas when using safe and sound beekeeping practices; and

Whereas education related to bees and beekeeping helps reduce conflicts, informs local decision makers of the means to minimize nuisance complaints related to backyard beekeeping, and increases the acceptance of residential beekeeping by neighbors; and

Whereas the creation of best practice documentation for residential beekeeping can provide a means for developing good local policies that facilitate healthy and safe apiary practices; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS chapter 602.

SECTION 2. (1) The Oregon State University Extension Service, in consultation with the State Department of Agriculture and beekeeping organizations, shall establish by written policy best practices for beekeeping within residential areas.

(2) The policy set forth under subsection (1) of this section shall include recommendations to address:

(a) The application of local nuisance ordinances to manage conflicts that arise from beekeeping within residential areas;

(b) Methods for mitigating conflicts that arise from beekeeping within residential areas;

and

(c) Local government oversight of beekeeping activities within residential areas.

(3) The Oregon State University Extension Service shall collaborate with the League of Oregon Cities and the Association of Oregon Counties to:

(a) Disseminate the best practices described in subsection (1) of this section to local governments; and

(b) Make information about the activity of beekeeping in residential areas available to the governing bodies of local governments and the general public.

SECTION 3. A local government may:

(1) Adopt ordinances consistent with the best practices described in section 2 of this 2015 Act; and

(2) Charge a reasonable fee for registering hives in residential areas in accordance with the rules established in ORS 602.090.

SECTION 4. A local government shall review existing ordinances and determine whether to adopt new ordinances relating to residential beekeeping within three years of the effective date of this 2015 Act.

2015 ORS 602.035

Beekeeping within residential areas

(1) The Oregon State University Extension Service, in consultation with the State Department of Agriculture and beekeeping organizations, shall establish by written policy best practices for beekeeping within residential areas.

(2) The policy set forth under subsection (1) of this section shall include recommendations to address:

(a) The application of local nuisance ordinances to manage conflicts that arise from beekeeping within residential areas;

(b) Methods for mitigating conflicts that arise from beekeeping within residential areas; and

(c) Local government oversight of beekeeping activities within residential areas.

(3) The Oregon State University Extension Service shall collaborate with the League of Oregon Cities and the Association of Oregon Counties to:

(a) Disseminate the best practices described in subsection (1) of this section to local governments; and

(b) Make information about the activity of beekeeping in residential areas available to the governing bodies of local governments and the general public. [2015 c.823 §2]

2015 ORS 602.045

A local government may:

(1) Adopt ordinances consistent with the best practices described in ORS 602.035 (Beekeeping within residential areas); and

(2) Charge a reasonable fee for registering hives in residential areas in accordance with the rules established in ORS 602.090 (Registration of bee colonies). [2015 c.823 §3]

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