

## Oregon Residential Beekeeping—A New Law and Recommended “Best Practices...”

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### Introduction

Effective January 1, 2016, Oregon adopted several provisions covering residential beekeeping. These provisions are in response to issues that have resulted from substantial increases in beekeeping in the urban environment, particularly in residential areas. The numbers of hobbyist and small scale beekeepers have steadily increased over the last 20 years. There are now more urban beekeepers than those who keep bees in rural settings. Along with this increase, concerns and perceived conflicts with neighbors and the community have also risen. Some cities and counties, in response, have adopted codes, rules and ordinances that ban or place severe restrictions on the keeping of honeybees in residential areas. Most of these adoptions are not based on any evidence that they have or will reduce the problems that citizens have expressed concerns over. Often, the adoptions were made simply to respond to a complaint or to demonstrate that the local government had addressed the concerns.

### The New Law

The adoption of House Bill (HB) 2653 in 2015, that is now Oregon Revised Statutes (ORS) 602.035 and 602.045, resulted when the legislature was requested to help set guidelines for Oregon’s residential beekeepers and local governments. The intent was to provide a statewide basis for residential beekeeping to be practiced “nuisance free” and that local governments could exercise oversight without unneeded and questionable limitations, restrictions and requirements for beekeepers. To accomplish this, the new law requires by January 1, 2019, that:

1. Oregon State University (OSU) with the assistance of the Department of Agriculture (DOA) and beekeepers (i.e. OSBA) prepare a “Best Practices...” document. This has been done and is available as a finalized document from the OSU Extension Service at <https://catalog.extension.oregonstate.edu/em9186>.
2. Nuisance ordinances are to be used to manage residential beekeeping conflicts. Many local governments already do this but others will need to change their enforcement rules, codes or ordinances,
3. Local governments will continue to have oversight of residential beekeeping. The state, OSU, and the OSBA through the “Best Practices...” and outreach activities will provide guidance, to assist them,
4. OSU along with city and county representatives will distribute the “Best Practices...” and help educate local governments. The outreach will help them understand the “Best Practices...” and comply with the new law,
5. Local governments shall review their ordinances in conjunction with the “Best Practices...” and decide whether to adopt new rules. It is not required but it is preferred that they replace any existing restrictive codes or rules with “nuisance” ordinances. Nuisance ordinances do not have specific requirements but are used only, when and if, a condition or practice presents a hazard or nuisance to neighbors or the community,
6. Local governments may charge a reasonable registration fee for residential beekeeping. A new law HB2553 (2017) limits the fees to no more than that assessed by the DOA. The DOA fee applies to every beekeeper with five or more hives. It is a flat 10 dollar apiary fee, plus a 50 cent assessment for each hive owned during the previous beekeeping year of June 1 to May 31.

### What Are the “Best Practices...” and How Are They Applied?

It must be emphasized that the “Best Practices...” are **guidelines** only, and not intended nor should they be considered as hard and fast codes, rules or ordinances that must be followed and enforced.

Rather the “Best Practices...” are to be used to foster **nuisance free** residential beekeeping and also as a guide to addressing and resolving issues when local enforcement agencies consider issuance of citations. The “Best Practices...” are very comprehensive and cover:

1. Beekeeper education and resources
2. Establishing residential beekeeping apiaries,
3. Colony management,
4. Beekeeper-neighbor communications, and
5. Legal and regulatory matters

Each of these sections cover several things including, for instance, limits on the number of hives, stings and allergies, swarm control and responses to citations.

### What Comes Next for the OSBA?

With the completion of the “Best Practices..” we are now working to print and distribute the “Best Practices...” to local governments, beekeepers and others. Coupled with the distributions there will be outreach activities by OSU, the Oregon Master Beekeepers and the OSBA to assist local governments and beekeepers to comply with the new law. The OSBA will coordinate with the OSU Pollinator Health Extension program which will include out-reach in multiple forms. It will include informational sessions for city officials, beekeepers (including presentations at Regional meetings), at farmer’s markets, community groups and for the general public.

To carry out our role in the outreach, the OSBA has requested that each Regional Association designate at least one member to be the lead Residential Beekeeper Consultant for their region. They would be the primary contact to assist in outreach activities and to respond to questions or requests for assistance. The Consultant would serve as the initial and on-going person to go to, with inquiries and assistance needs. They will be coordinated through the OSBA Agricultural Liaison (for now Mike Rodia) who will also render assistance as needed.

The primary responsibilities of the Consultant is to help beekeepers and local governments become aware of the new law and to help guide beekeepers to practice nuisance free beekeeping. This could include appearances before city councils or meetings with code enforcement staff to explain and discuss the new law and “Best Practices...” It could also include working with beekeepers, neighbors and code staff to resolve a complaint or concern.

### What About Other OSBA Members and Non-OSBA Beekeepers?

Because issues concerning residential beekeeping can be highly contentious, the OSBA recommends that, unless a member or other person is well versed in the law and the “Best Practices...”, that they seek assistance from the Residential Beekeeping Consultant before responding to concerns or requests for assistance. This will help ensure, that in coordination with OSU and the Oregon Master Beekeepers, we maintain a uniform response throughout the state. Of course the “Best Practices..” need to followed by every beekeeper and a copy of the document should be provided to anyone who requests it. Moreover it should be added to the curriculum of every regional association’s Bee School as well as those taught by others and also added to the OSBA website.

### What Is At Stake?

If beekeepers do not practice nuisance free beekeeping, and issues arise because of that failure, then local governments may respond by adopting and/or applying restrictive and/or punitive codes, rules or ordinances. It is to our advantage to have as few rules as possible and to have similar expectations for residential beekeeping, no matter where the beekeeper is located in Oregon. It takes only a single complaint or concern, even if unfounded, to convince a city council to place limits on beekeeping.

