

“The ground of liberty is to be gained by inches, that we must be contented to secure what we can get from time to time, and eternally press forward for what is yet to get. It takes time to persuade men to do even what is for their own good.”

— Thomas Jefferson

[Bee schools](#) start in earnest next month. (See [Get Thee to a Bee School!](#)) A question that students invariably ask is, “Is it legal for me to keep honey bees in my town/county?” We are fortunate in North Carolina that the answer, according to state law, is “yes” – although there is a caveat.

All NC beekeepers should be familiar with the [North Carolina Bee and Honey Act of 1977](#). This is the law that established the NCDA&CS Apiary Services Program (see [Who Ya Gonna Call?](#)). Specifically, the Act declares “that it is in the public interest to promote and protect the bee and honey industry in North Carolina and to authorize the Commissioner of Agriculture and the Board of Agriculture to perform services and conduct activities to promote, improve, and enhance the bee and honey industry in North Carolina particularly relative to small beekeepers; to regulate all bees of the superfamily Apoidea in any stage of development; the causal agents of their disease or disorders, and their pests; to protect the bee and honey industry in North Carolina from bee diseases and disorders and to provide regulatory services in the areas of pollination of plants, honeybee poisonings, thefts, bee management and marketing.”

That’s an extremely long sentence. In case you missed it, it specifically says that the Commissioner of Agriculture is directed to “perform services and conduct activities to promote, improve, and enhance the bee and honey industry in North Carolina **particularly relative to small beekeepers**” (emphasis added). That’s me, and probably you too.

For 38 years, however, there was a huge gap in the law. There was nothing preventing municipalities from exercising knee-jerk



On May 20, 1775, North Carolinians declared ourselves "free and independent people." In 2015, our state legislature explicitly said that freedom includes the right to keep honey bees.

reactions to media reports of Killer Bees, activist groups such as PETA protesting the commercial exploitation of insects and who-knows-what-else by banning us from practicing our craft within municipal limits. As an example, in 1999 New York City’s Health Department banned honey bees in a list of 100 animals that it considered a threat to public health; that ban was finally lifted in 2010.

Municipal restrictions and bans were beginning to become popular topics a few years ago in North Carolina as well. But our state legislature stepped up in 2015 and added an addendum to the *Bee and Honey Act* that puts the brakes on outright bans. The law, as amended, says that municipalities can impose reasonable restraints (even I wouldn’t want someone to put a 1,000-hive operation on a half-acre lot next to my suburban swimming pool) but cannot ban beekeeping. The section that was added says:

§ 106-645. Limitations on local government regulation of hives.

(a) Notwithstanding Article 6 of Chapter 153A of the General Statutes, **no county shall adopt or continue in effect any ordinance or resolution that prohibits any**

person or entity from owning or possessing five or fewer hives.

(b) Notwithstanding Article 8 of Chapter 160A of the General Statutes, a city may adopt an ordinance to regulate hives in accordance with this subsection. The city shall comply with all of the following:

(1) Any ordinance shall permit up to five hives on a single parcel within the land use planning jurisdiction of the city.

(2) Any ordinance shall require that the hive be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the city may permit the anchor or stand to be permanently attached to a roof surface.

(3) Any ordinance may include regulation of the placement of the hive on the parcel, including setbacks from the property line and from other hives.

(4) Any ordinance may require removal of the hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

The big caveat

The big caveat that I mentioned earlier is that our North Carolina law dictates what municipalities can and cannot do with respect to beekeeping restrictions. It doesn't prevent citizens from freely signing away their legislated rights when they join Home Owners' Associations (HOAs). HOAs often dictate what color someone can paint their house, how often they must cut their grass and everything else that may potentially affect the sensibilities of busybodies within the commune. Many prevent keeping "livestock" and include honey bees in that definition. They likely will allow dogs that poop everywhere, bark at night and dig up beautiful petunias but they won't allow fuzzy little honey bees that don't bother anybody. They often allow, perhaps even encourage, vegetable gardens but ban the instruments of horticultural success. How can they get away with that? The homeowner signs a legally-

binding agreement that says that stepping all over their rights is okay with them.

That may not be the end of the story. HOAs may be convinced that honey bees are a good thing rather than a menace; the New York City experience is an example of facts eventually winning out over preconceived nonsense.

Ask your County Extension Agent for help. In my county, my agent eagerly volunteered to speak to a HOA board when a potential beekeeper was being shut out.

Talk with your [NCDA&CS Apiary Inspector](#). They are charged with assisting small beekeepers with challenges they face.

Enlist the aid of your local [NCSBA chapter](#) aka county beekeeping club. When one of my bee school students said their HOA prohibited honey bees, I was able to pull up a map of our chapter's members and point out that at least eight beekeepers lived within a mile of the neighborhood where bees aren't supposed to go. The HOA had plenty of de facto bees but didn't have beekeepers. What's the point of that?

Rights come with responsibilities

Even though we have a right to keep honey bees, we must also diligently attend to the responsibilities that go along with that. "[Good Bee Neighbors](#)" offers suggestions for how to not only be a well-respected beekeeper from Normal People's perspective but from your fellow beekeepers' standpoint as well. If we represent a consistent model of responsible apiculture, perhaps one day our legislature will amend the *Bee and Honey Act* to require citizens to keep bees! What would our HOA be able to say to that?

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