

REFERENCE TITLE: backyard fowl; regulation; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2483

Introduced by
Representative Payne

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO MUNICIPAL AND COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Backyard fowl regulation; prohibition; exceptions;
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT A ZONING ORDINANCE THAT PROHIBITS A
7 RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE THAT IS ONE-HALF ACRE OR
8 LESS IN SIZE FROM KEEPING FOWL IN THE BACKYARD OF THE PROPERTY. A
9 MUNICIPALITY MAY:

10 1. RESTRICT THE NUMBER OF FOWL THAT A RESIDENT MAY KEEP IN THE
11 BACKYARD OF THE PROPERTY TO NOT MORE THAN NINE.

12 2. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

13 3. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
14 SIDE YARD OF THE PROPERTY AT LEAST FIFTEEN FEET FROM A NEIGHBORING
15 PROPERTY AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO
16 HUNDRED SQUARE FEET.

17 4. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
18 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

19 5. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
20 MIGRATION OF INSECTS.

21 6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

22 7. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
23 CONTAINERS.

24 8. PROHIBIT FOWL FROM RUNNING AT LARGE.

25 B. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE ARE OF
26 STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS, ORDINANCES AND
27 CHARTER PROVISIONS TO THE CONTRARY.

28 C. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
29 THE DOMESTIC CHICKEN.

30 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
31 is amended by adding section 11-820.04, to read:

32 11-820.04. Backyard fowl regulation; prohibition; exceptions;
33 state preemption; definition

34 A. A COUNTY MAY NOT ADOPT A ZONING ORDINANCE THAT PROHIBITS A
35 RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE THAT IS ONE-HALF ACRE OR
36 LESS IN SIZE FROM KEEPING FOWL IN THE BACKYARD OF THE PROPERTY. A COUNTY
37 MAY:

38 1. RESTRICT THE NUMBER OF FOWL THAT A RESIDENT MAY KEEP IN THE
39 BACKYARD OF THE PROPERTY TO NOT MORE THAN NINE.

40 2. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

41 3. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
42 SIDE YARD OF THE PROPERTY AT LEAST FIFTEEN FEET FROM A NEIGHBORING
43 PROPERTY AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO
44 HUNDRED SQUARE FEET.

- 1 4. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
- 2 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
- 3 5. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
- 4 MIGRATION OF INSECTS.
- 5 6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.
- 6 7. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
- 7 CONTAINERS.
- 8 8. PROHIBIT FOWL FROM RUNNING AT LARGE.
- 9 B. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE ARE OF
- 10 STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS AND ORDINANCES TO
- 11 THE CONTRARY.
- 12 C. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
- 13 THE DOMESTIC CHICKEN.