

Conference Engrossed

backyard fowl; regulation; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2325

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 ANY LAW, ORDINANCE OR OTHER
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
34 THE DOMESTIC CHICKEN.

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

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.
3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
6 MIGRATION OF INSECTS.
7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.
8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
9 CONTAINERS.
10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.
11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE
14 LINE OF THE PROPERTY.
15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
17 THE EFFECTIVE DATE OF THIS SECTION.
18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
20 LAWS AND ORDINANCES TO THE CONTRARY.
21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
22 THE DOMESTIC CHICKEN.