

REFERENCE TITLE: backyard fowl; regulation; prohibition

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

HB 2325

**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)

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

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

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

A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING FOWL IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

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

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

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

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

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

6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

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

8. PROHIBIT FOWL FROM RUNNING AT LARGE.

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

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

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

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

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

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

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

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

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

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

6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

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

8. PROHIBIT FOWL FROM RUNNING AT LARGE.

B. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS AND ORDINANCES TO THE CONTRARY.

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