

Senate Engrossed House Bill

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 FOWL IN THE  
9 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 FIFTEEN FEET FROM A NEIGHBORING  
13 DWELLING AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO  
14 HUNDRED SQUARE 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. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
28 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
29 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

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

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

34 11-820.04. Backyard fowl regulation; prohibition; exceptions;  
35 state preemption; definition

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

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

41 2. 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 DWELLING AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO  
44 HUNDRED SQUARE FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

- 1           3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND  
2 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
- 3           4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS  
4 MIGRATION OF INSECTS.
- 5           5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.
- 6           6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF  
7 CONTAINERS.
- 8           7. PROHIBIT FOWL FROM RUNNING AT LARGE.
- 9           B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL  
10 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL  
11 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE  
12 LINE OF THE PROPERTY.
- 13           C. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
14 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
15 LAWS AND ORDINANCES TO THE CONTRARY.
- 16           D. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF  
17 THE DOMESTIC CHICKEN.