



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: LARA DP 9-0-0-0

HB2483: backyard fowl; regulation; prohibition

Sponsor: Representative Payne, LD 27

House Engrossed

Overview

Prohibits a municipality or county from adopting a zoning ordinance that bans those in a single-family detached residence which is one-half acre or less from keeping fowl in their backyard but allows municipalities and counties to establish certain requirements for keeping these animals.

History

Cities and towns (municipalities) have the general power to adopt and enforce zoning ordinances that regulate certain aspects of land use (A.R.S. §§ [9-240](#), [9-499.01](#) and [9-462.01](#)). Some Arizona cities have adopted ordinances to regulate how many backyard fowl may be kept at a residence and the conditions in which these animals may be kept:

- 1) In Phoenix, poultry may be kept in an enclosure within 80 feet of a residence if written permission is given by each lawful occupant and owner of a residence within 80 feet of the enclosure ([Phoenix Municipal Codes Article III § 8-7](#));
- 2) In Chandler, [an ordinance](#) adopted in December 2022 allows up to five hens per yard so long as the coop is set back at least five feet from all property lines;
- 3) In Scottsdale, fowl is allowed unless it is a frequent or habitual nuisance that disturbs a neighborhood or any two or more persons ([Scottsdale Code of Ordinances § 4-17](#));
- 4) In Flagstaff, small livestock such as chickens, ducks, rabbits, miniature goats and bees are allowed on residential or educational property. Unless the property is located in Estate and Rural Residential zoning, a permit is required to keep backyard livestock. On property less than 20,000 square feet, up to 5 chickens are allowed so long as they are fenced in to keep them on the owner's property and have at least 10 square feet of outdoor space and 4 square feet of indoor space ([Flagstaff City Code Chapter 6-03](#)); and
- 5) In Tucson, residents may keep up to 24 chickens so long as they have an enclosure that is not within 50 feet of the dwelling of another person. Coops must be kept in a clean and sanitary condition ([Tucson, Arizona Charter and General Ordinances § 4, Article IV](#)).

Counties have a similar power to adopt and enforce such ordinances (A.R.S. §§ [11-251.05](#) and [11-811](#)). For example, in 2017, the Pima County Board of Supervisors approved a zoning change to allow residents to keep up to 8 hens in certain properties that are usually 6,000 to 8,000 square feet in size. Single-family dwelling lots and manufactured home lots of 6,000 square feet or smaller or multi-family dwellings could keep up to four hens per dwelling (Pima County Ordinance 2017-36).

Provisions

1. Forbids a municipality or county from adopting a law, ordinance or regulation that prohibits a resident of a single-family detached residence which is one-acre or smaller in size from keeping fowl in the property's backyard. (Sec. 1 and 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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2. Authorizes a municipality or county to:
 - a) Restrict the number of fowl that a resident may keep in the property's backyard to no more than six;
 - b) Prohibit a resident from keeping male fowl;
 - c) Require fowl to be kept in an enclosure in the rear or side of the yard at least 15 feet from a neighboring property and with a maximum size of 200 square feet and a maximum height of 8 feet;
 - d) Require the enclosure to be maintained and manure picked up at least twice weekly;
 - e) Require that manure be kept in a way that prevents migration of insects;
 - f) Require that feed be stored in insect-proof and rodent-proof containers and
 - g) Prohibit fowl from running at large. (Sec. 1 and 2)
3. States that these provisions preempt local laws, ordinances and charter provisions. (Sec. 1 and 2)
4. Defines *fowl*. (Sec. 1 and 2)