

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1321
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING FOWL IN THE BACKYARD OF
9 THE PROPERTY. A 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 SIX.

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 PROPERTY
15 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
16 FEET WITH A MAXIMUM HEIGHT OF EIGHT 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.

1 8. PROHIBIT FOWL FROM RUNNING AT LARGE.

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

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

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

9 11-820.04. Backyard fowl regulation; prohibition; exceptions;
10 state preemption; definition

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

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

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

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

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

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

26 6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

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

29 8. PROHIBIT FOWL FROM RUNNING AT LARGE.

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

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

3 Amend title to conform

And, as so amended, it do pass

DAVID LIVINGSTON
CHAIRMAN

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