

House Engrossed Senate Bill

~~appropriation; Little Colorado River levee.~~
(now: backyard fowl; regulation; prohibition)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1321

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 FOWL.

(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 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
15 PROPERTY AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO
16 HUNDRED SQUARE 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.

24 8. PROHIBIT FOWL FROM RUNNING AT LARGE.

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

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

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

32 11-820.04. Backyard fowl regulation; prohibition; exceptions;
33 state preemption; definition

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

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

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

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

- 1 4. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
- 2 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
- 3 5. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
- 4 MIGRATION OF INSECTS.
- 5 6. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.
- 6 7. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
- 7 CONTAINERS.
- 8 8. PROHIBIT FOWL FROM RUNNING AT LARGE.
- 9 B. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE ARE OF
- 10 STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS AND ORDINANCES TO
- 11 THE CONTRARY.
- 12 C. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
- 13 THE DOMESTIC CHICKEN.