



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR H.B. 2325

backyard fowl; regulation; prohibition

Purpose

Prohibits a municipality and a county from adopting a prohibition on backyard fowl. Prescribes regulations that a municipality or a county may adopt regarding backyard fowl.

Background

The legislative body of a municipality may enforce any zoning ordinance in the same manner as other municipal ordinances are enforced. A city's or town's legislative body must establish necessary and appropriate rules and procedures governing application for zoning amendment, review and approval of plans, issuance of any necessary permits or compliance certificates, inspection of buildings, structures and lands and any other actions which may be considered necessary or desirable for enforcement of the zoning ordinance ([A.R.S. 9-462.05](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a municipality and a county from adopting any law, ordinance or other regulation that prohibits a resident of a single-family detached residence on a lot that is one-half acre or less in size from keeping fowl in the backyard of the property.
2. Allows a municipality or county to:
 - a) restrict the number of fowl that a resident may keep in the backyard of the property to not more than six;
 - b) prohibit a resident from keeping male fowl, including roosters;
 - c) require fowl to be kept in an enclosure located in the rear or side yard of the property at least 30 feet from a neighboring property and restrict the size of the enclosure to a maximum of 200 square feet with a maximum height of 8 feet.
 - d) require the enclosure to be maintained and manure picked up and disposed of or composted at least twice weekly;
 - e) require that composted manure be kept in a way that prevents migration of insects;
 - f) require water sources with adequate overflow drainage;
 - g) require that feed be stored in insect-proof and rodent-proof containers; or
 - h) prohibit fowl from running at large.
3. Declares that the outlined prohibition of regulation of backyard fowl preempts all local laws and ordinances and that the property rights of property owners in Arizona are of statewide concern.

4. Defines *fowl* as a cock or hen of the domestic chicken.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Increases, from 15 feet to 30 feet, the minimum distance that municipality or county may require a backyard fowl enclosure to be away from a neighboring property.
2. Specifies that a municipality or county may not adopt any law, ordinance or other regulation that prohibits a resident of a single-family detached residence on a lot, rather than just a single-family detached residence, from keeping fowl in the backyard of the property.
3. Makes technical changes.

House Action

LARA 2/5/24 DP
3rd Read 2/26/24

7-2-0-0
35-21-3-0-1

Senate Action

NREW 3/14/24 DPA 4-2-1

Prepared by Senate Research
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RA/KP/slp