

**ORDINANCE NO. 24-1202**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING THE DOUGLAS MUNICIPAL CODE TITLE 6 CHAPTER 6.16, PROVIDING FOR RESTRICTIONS ON MAINTAINING FOWL WITHIN THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Mayor and Council seeks to promote public health, safety, and welfare by regulating the keeping of fowl within the city limits;

**WHEREAS**, the Mayor and Council recognizes the need for clear guidelines to mitigate potential nuisances and conflicts with neighboring properties;

**WHEREAS**, a Public Hearing was conducted on October 3, 2024 allowing residents to provide input on the proposed amendments to the Douglas Municipal Code;

**WHEREAS**, the Mayor and Council find that the proposed regulations on the keeping of fowl serve the best interests of the City of Douglas;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Douglas, Arizona, as follows:

**SECTION 1.** Chapter 6.16 – Dangerous and Prohibited Animals is hereby amended to include the following provisions regarding the keeping and maintaining of fowl:

A. A resident of a single-family detached residence on a lot that is one-half acre or less in size may keep a maximum of six fowl in the backyard of the property, provided that the following conditions are met:

B. All fowl shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from neighboring property lines. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure on a lot less than one acre in size shall be shorter than the fence line of the property. The enclosure shall be maintained, and manure must be picked up and disposed of or composted at least twice weekly.

C. Any composted manure shall be kept in a manner that prevents the migration of insects.

D. All water sources for fowl shall have adequate overflow drainage.

E. All feed for fowl shall be stored in insect-proof and rodent-proof containers.

F. All fowl are prohibited from running at large.

For the purposes of this section, "fowl" means a cock or hen of the domestic chicken.

**SECTION 2.** Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

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**SECTION 3. Penalties.** A. Any person found in violation of any provision of Section 6.16.015 of the Douglas Municipal Code shall be responsible for a civil violation, punishable by a fine as set forth in Section 6.16.050 of the Douglas Municipal Code. Each day that a violation continues shall be a separate offense punishable as herein described.

**SECTION 4. Effective date:** The provisions in this Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

**SECTION 5. Severability:** If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 13<sup>th</sup> day of November 2024.

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Donald C. Huish, Mayor

Attest:

Approved as to form:

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Alma Andrade, City Clerk

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Denis Fitzgibbons, City Attorney

Prepared by:  
Casandra Gomez, City Planner