

**SUBMITTED BY:** Casandra Gomez, City Planner

**MANAGEMENT TEAM REVIEW:** Ana Urquijo, City Manager

**FOCUS AREA:** Other / NA

**ORGANIZATIONAL IMPROVEMENTS:** Backyard fowl regulation.

**SUBJECT:** **SECOND READING OF 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.

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**EXECUTIVE SUMMARY:**

The Planning and Zoning Commission convened on October 3, 2024, and recommended to the City Council the approval of ZCA 2024-02, which proposes amendments to Title 6, Chapter 6.16 of the Douglas Municipal Code. This amendment specifically addresses "Dangerous and Prohibited Animals," with an emphasis on the regulations pertaining to the keeping and maintenance of fowl.

House Bill 2325 establishes that municipalities cannot enact laws that prevent residents of single-family detached homes on lots of one-half acre or less from keeping up to six fowl in their backyards. However, municipalities are permitted to impose certain regulations. They may prohibit male fowl, such as roosters, and require that fowl be kept in an enclosure located in the rear or side yard, positioned at least 20 feet away from neighboring properties. The enclosure must not exceed 200 square feet in size and may have a maximum height of 8 feet.

Furthermore, municipalities may mandate regular maintenance of the enclosure, which includes the disposal or composting of manure at least twice weekly. They must ensure that composted manure is stored in a manner that prevents insect migration, that water sources have adequate overflow drainage, and that feed is stored in insect-proof and rodent-proof containers. Additionally, municipalities may prohibit fowl from roaming freely. They are also required to enact ordinances ensuring that enclosures in residential communities on lots less than one acre are shorter than the property's fence line.

**BACKGROUND:**

Currently, the Douglas Municipal Code stipulates that residents are permitted to keep a maximum of four fowl, which must not be housed in front yards or the front portions of lots. Fowl must be kept exclusively in backyards or the rear portions of lots. Owners are required to comply with all applicable state laws, including animal cruelty statutes and county health regulations. Fowl must be maintained in a fully enclosed fenced area or enclosure that is sufficiently robust to securely contain them within the city limits. Any fowl found at large will be subject to immediate disposal as outlined in Section 6.04. 325.

**DISCUSSION:**

Staff recommend approval.

**FISCAL IMPACT:**

None.

**Fiscal Year:** 2024/2025

**Amount Requested:** \$

**Budgeted:** Y / N

**Account (s):**

**“...I MOVE THAT THE MAYOR AND COUNCIL APPROVE THE SECOND READING OF ORDINANCE NO. 24-1202 BY NUMBER AND TITLE ONLY.”**