

ORDINANCE # 2024-42

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 10, ARTICLE III, SECTIONS 10-113 AND 10-114, PROVIDING FOR RESTRICTIONS ON MAINTAINING FOWL WITHIN THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted H.B. 2325 to mandate certain Code amendments on or before January 1, 2025, relating to backyard fowl regulation;

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under H.B. 2325; and

WHEREAS, this Ordinance was properly noticed for a public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 10, Article III, Sections 10-113 and 10-114 of the Surprise Municipal Code are hereby amended as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendment to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. **Emergency.** The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-42 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE 17th DAY OF December 2024, WAS POSTED IN THREE PLACES ON THE 23rd DAY OF December, 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

FS24-1421- Zoning Text Amendment Backyard Fowl
Legislative Edits
(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**)

CHAPTER 10 - ANIMALS
ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. ~~Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ **Fowl and Rodents**

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.
- D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:
1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. 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 located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
 2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
 3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;

4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1 (Att. A, § 1), 11-3-15)