

ORDINANCE NO. 25-215

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE CODE OF THE TOWN OF DEWEY-HUMBOLDT BY ADOPTING A NEW SECTION 153.026 RELATING TO MUNICIPAL ZONING; PROVIDING FOR A BACKYARD FOWL REGULATION; PROHIBITION; EXCEPTIONS; STATE PREEMPTION; DEFINITION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the Arizona Legislature adopted H.B. 2325, Amending Title 9, Chapter 4, Article 6.1, Arizona Revised Statutes, by adding what is now codified as Section 9-462.12; Relating to Municipal Zoning, providing for a backyard fowl regulation; prohibition; exceptions; state preemption; definition

WHEREAS this Ordinance is being adopted by the Town of Dewey-Humboldt Council to comply with H.B. 2325;

WHEREAS the Planning and Zoning Commission held a public hearing on this proposed amendment to the Zoning Code to codify the requirements of H.B. 2325 on June 5, 2025,

WHEREAS the Planning and Zoning Commission has, by official action, made a recommendation for approval of the proposed amendment to the Zoning Code to the Town Council, and

WHEREAS the Town Council held a public hearing on June 17, 2025 and has considered comments regarding this proposed amendment.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Dewey-Humboldt, as follows:

Section I. Adoption by Reference.

Pursuant to A.R.S. § 9-462.12, the Town hereby adopts a new Section 153.026 “Backyard fowl regulation; prohibition; exceptions; state preemption; definition” of Town Code Chapter 153 “Zoning Regulations” as set forth on Exhibit A, a copy of which is on file with the Office of the Town Clerk of the Town of Dewey-Humboldt, Arizona, located at 2735 S Highway 69, Humboldt, AZ 86329.

Section II. Effective Date.

This Ordinance is to be effective upon the expiration of thirty (30) following the adoption of this Ordinance and when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section III. Severability.

All ordinances, or parts of ordinances, adopted by the Town of Dewey-Humboldt in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

Section IV. 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 Town Code adopted herein by reference are hereby repealed.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 1st day of July, 2025, by the following vote:

AYES: 5 NAYS: 1 ABSENT: 1 EXCUSED: 0 ABSTAINED: 0


APPROVED this 1st day of July, 2025.


Matthew Fenn, Mayor

ATTEST:


Beth Evans, Town Clerk

APPROVED AS TO FORM:


Sims Mackin, Ltd
Town Attorney
By: William J. Sims III

I, BETH EVANS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 25-215 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 1st DAY OF July, 2025, WAS POSTED IN THREE PLACES ON THE 2nd DAY OF July, 2025.


Beth Evans, Town Clerk

Exhibit A

Backyard Fowl Regulation; Prohibition; Exceptions; State Preemption; Definition

SECTION 153.026 BACKYARD FOWL REGULATION; PROHIBITION; EXCEPTIONS; STATE PREEMPTION; DEFINITION

- A.** A RESIDENT 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. A RESIDENT MAY NOT KEEP MALE FOWL, INCLUDING ROOSTERS.
 2. FOWL MUST BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY AND THE SIZE OF THE ENCLOSURE SHALL NOT EXCEED A MAXIMUM OF TWO HUNDRED SQUARE FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET, EXCEPT IF THE ENCLOSURE IS ON A LOT IN A RESIDENTIAL COMMUNITY THAT IS LESS THAN ONE ACRE IN SIZE, THE ENCLOSURE SHALL BE SHORTER THAN THE FENCE LINE OF THE PROPERTY.
 3. THE ENCLOSURE SHALL BE MAINTAINED AND MANURE SHALL BE PICKED UP AND DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
 4. COMPOSTED MANURE MUST BE KEPT IN A WAY THAT PREVENTS MIGRATION OF INSECTS.
 5. ALL WATER SOURCES FOR FOWL SHALL HAVE ADEQUATE OVERFLOW DRAINAGE.
 6. FEED MUST BE STORED IN INSECT-PROOF AND RODENT-PROOF CONTAINERS.
 7. FOWL MAY NOT RUNN AT LARGE.
- B.** THIS ORDINANCE DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE SEPTEMBER 14, 2024.
- C.** FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF THE DOMESTIC CHICKEN.