

ORDINANCE 2025-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE TOWN CODE, TITLE 6 – ANIMAL REGULATIONS, CHAPTER 6.04 – ANIMAL CONTROL, SECTION 6.04.100 – RESTRICTIONS ON KEEPING OF ANIMALS, RELATED TO THE KEEPING OF FOWL WITHIN THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the State of Arizona prohibits cities and towns from adopting regulations prohibiting a resident of a single-family detached residence on a lot that is one-half acre or less in size from keeping up to six fowl in the backyard of the property; and

WHEREAS, the Town Council of the Town of Youngtown desires to amend its Code to conform to State Law while continuing to regulate the keeping of fowl to protect public health and safety and avoid nuisance conditions in the Town; and

WHEREAS, the Town Council of the Town of Youngtown is adopting this Ordinance to update its regulations governing the keeping of fowl and to make other minor amendments of Code provisions and penalties to align with State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN:

Section 1. General. The Town Code is hereby amended by revising Title 6 Animal Regulations, Chapter 6.04 – Animal Control, Section 6.04.100 – Restrictions on Keeping of Animals as follows (deletions in ~~strikethrough~~, additions in ALL CAPS):

6.04.100 – Restriction on keeping of animals.

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D. No livestock, poultry, or fowl shall be maintained, penned, or kept within the corporate limits of the town within one hundred (100) feet of any residence, dining room, sleeping room, or other place of human habitation, or any place of business, church, or school, other than that of the owner-, EXCEPT FOR A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE MAY KEEP UP TO A MAXIMUM OF SIX FOWL IN THE BACKYARD OF THE PROPERTY, PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

1. ALL FOWL 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 ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE LINE OF THE PROPERTY. THE ENCLOSURE SHALL BE MAINTAINED AND MANURE PICKED UP AND DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
2. ANY COMPOSTED MANURE SHALL BE KEPT IN A WAY THAT PREVENTS MIGRATION OF INSECTS.
3. ALL WATER SOURCES FOR FOWLS SHALL HAVE ADEQUATE OVERFLOW DRAINAGE.
4. ALL FEED FOR FOWLS SHALL BE STORED IN INSECT-PROOF AND RODENT-PROOF CONTAINERS.
5. ALL FOWL ARE PROHIBITED FROM RUNNING AT LARGE.
6. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF THE DOMESTIC CHICKEN.

E. NOTWITHSTANDING ANYTHING IN THIS SECTION, THE TOWN PROHIBITS THE KEEPING OF MALE FOWL, INCLUDING ROOSTERS.

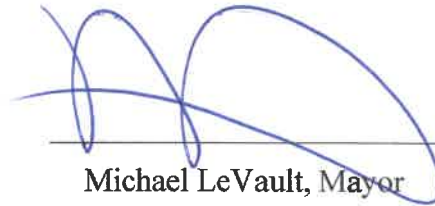
E. F. Individuals with disabilities may request a reasonable accommodation from the provisions of this section.

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.

Section 3. Providing for Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference 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 thereof.


Section 4. Providing for Penalties. Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be responsible under Section 1.12.010 of the Town Code for a civil violation, punishable by a fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation. Each day that a violation continues shall be a separate offense punishable as herein described. After having been found responsible for committing three (3) or more civil infractions of the same code provision in any twenty-four (24) month period, a person is a habitual offender and may be charged with a class one misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than twenty-five hundred dollars (\$2500), imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

PASSED AND APPROVED BY A MAJORITY OF THE TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, ON THIS 20th DAY OF February, 2025.




Michael LeVault, Mayor

ATTEST:



Nicole Smart, Town Clerk

APPROVED AS TO FORM:



Trish Stuhan, Town Attorney
Pierce Coleman, PLLC