

# ATTACHMENT A

## PROPOSED REVISIONS

P.C.C. § 8-7. Poultry and Rodents

P.C.C. § 8-10. Minimum area limitation; nuisance

### P.C.C. § 8-7. Poultry and Rodents

a. Except as otherwise provided in this article, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep rodents or poultry within the City. No poultry or rodents shall be kept in an enclosure within ~~eighty~~ TWENTY feet of ~~any residence within the City~~ A NEIGHBORING PROPERTY LINE. Poultry may be kept within ~~eighty~~ TWENTY feet of ~~a residence~~ A NEIGHBORING PROPERTY LINE if written permission consenting to the keeping of poultry WITHIN ~~less than eighty~~ TWENTY feet ~~from a residence~~ OF A NEIGHBORING PROPERTY LINE is first obtained from each lawful occupant and each lawful owner of such ~~residence~~ ADJOINING LOT OR PARCEL OF LAND AS DEFINED IN SECTION 8-1. Poultry shall not be kept in the front yard area of any lot or parcel within the City. Poultry and rodents shall be kept in an enclosure so constructed as to prevent such poultry and rodents from wandering upon property belonging to others.

b. No more than ~~twenty~~ SIX head of poultry nor more than twenty-five head of rodents nor more than twenty-five head comprising a combination of rodents and poultry shall be kept upon the first one-half acre or less. MORE THAN SIX HEAD OF POULTRY MAY BE KEPT ON A LOT THAT IS ON-HALF ACRE OR LESS IN SIZE IF WRITTEN PERMISSION CONSENTING TO THE KEEPING OF MORE THAN SIX HEAD OF POULTRY IS FIRST OBTAINED FROM EACH LAWFUL OCCUPANT AND EACH LAWFUL OWNER OF ANY ADJOINING LOT OR PARCEL OF LAND AS DEFINED IN SECTION 8-1. An additional one-half acre shall be required for each additional twenty head of poultry or for each additional twenty-five head of rodents or for each additional twenty-five head comprising a combination of poultry and rodents. For areas larger than two and one-half acres the number of poultry or rodents shall not be limited.

c. No male poultry shall be kept within the City limits except such male poultry as are incapable of making vocal noises which disturb the peace, comfort or health of any person residing within the City.

d. All such enclosures shall be kept in such condition that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance, or inconvenience of any inhabitant of the neighborhood thereof. (~~Code 1962, § 8-8; Ord. No. G-1207, § 1; Ord. No. G-1367, § 1~~)

E. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, HOWEVER, THE CITY PROSECUTOR MAY AUTHORIZE THE FILING OF CERTAIN CASES OR CLASSES OF CASES AS CIVIL VIOLATIONS UNLESS THE PERSON PREVIOUSLY HAS BEEN FOUND RESPONSIBLE OR GUILTY OF VIOLATING THIS SECTION.

F. A PERSON FOUND RESPONSIBLE FOR A CIVIL VIOLATION OF THIS SECTION IS SUBJECT TO A SANCTION OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS AND NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS.

G. ANY PARTY MAY APPEAL THE JUDGMENT OF THE COURT TO THE SUPERIOR COURT. APPEALS FROM CIVIL PROCEEDINGS SHALL BE IN

## **PROPOSED REVISIONS**

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P.C.C. § 8-10. Minimum area limitation; nuisance

ACCORDANCE WITH THE SUPERIOR COURT RULES OF APPELLATE PROCEDURE—CIVIL. APPEALS FROM CRIMINAL PROCEEDINGS SHALL BE IN ACCORDANCE WITH THE SUPERIOR COURT RULES OF APPELLATE PROCEDURE—CRIMINAL. EXECUTION OF ANY JUDGMENT SHALL BE STAYED PENDING APPEAL WHEN THE DEFENDANT POSTS AN APPEAL BOND IN ACCORDANCE WITH THE ORDER OF THE TRIAL COURT, OR WHEN NO BOND IS FIXED AND A NOTICE OF APPEAL HAS BEEN FILED. (Code 1962, § 8-8; Ord. No. G-1207, § 1; Ord. No. G-1367, § 1)

### **P.C.C. § 8-10. Minimum area limitation; nuisance**

a. Except as otherwise provided in this ~~section~~ CHAPTER, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep any animal, as defined in section 8-1 of this chapter, within the City on any lot or parcel of land consisting of less than ten thousand square feet in area.

~~b. Poultry may be kept on a lot or parcel of land within the City consisting of an area less than ten thousand square feet if written permission consenting to the keeping of poultry on such lot or parcel is first obtained from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land, as defined in section 8-1, which are located in the immediate vicinity of the property whereon the poultry is kept.~~

~~e.~~ B. The provisions of subsections (a) and ~~(b)~~ above shall not apply to the keeping of:

1. Small household pets to include, but not be limited to, dogs and cats; or
2. Animals for commercial purposes where such use is established as a lawful use under the Zoning Ordinance of the City of Phoenix. (Code 1962, § 8-10.1; Ord. No. G-1367, § 1)