

09/08/2023

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-4.438, OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY REGULATIONS RELATING TO THE KEEPING OF CHICKENS, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-4.438 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-4.438 Raising and Keeping of Animals

- A. The keeping of the following animals will be allowed without a permit under the following circumstances in any zoning district, unless there are other sections in this ordinance which are in conflict, and the raising and keeping of such animals is not for the purpose of breeding or selling them as a source of income:
1. Common household pets such as dogs, cats, etc., but not including fish or marine animals less than 20 pounds, as long as there are not more than three of any one species permanently boarded or kept. The keeping of more than three common household pets of any one species shall qualify a house as a kennel, subject to the regulations of Section 138-4.418.
 2. Livestock, as long as there are no more than three animals and the parcel or lot shall be at least two acres in area.
 3. Chickens are permitted provided:
 - a. The residence where the chickens will be kept is a single-family detached structure.
 - b. If the parcel is between 0.50 acres and 0.99 acres, no more than six hen chickens may be kept; If the parcel is 1.00 acre or more, no more than 12 hen chickens may be kept at any time.
 - c. Roosters are prohibited.
 - d. The slaughtering of chickens at the property is prohibited.
 - e. Chickens must be kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure must not exceed 36 square feet in size. The coop must be elevated a minimum of 18 inches off the ground. The enclosure must not exceed eight feet in height. The enclosure must be designed, constructed and maintained to be harmonious and appropriate in appearance with the general area where it is located. The enclosure and attached fenced run must be

Deleted: Poultry, if there are no more than 12 and the parcel or lot is at least one acre in area.

designed to prevent rats, mice, or other rodents from being harbored underneath, inside, or inside the walls of the enclosure.

f. Chickens and their enclosures must be kept in the rear yard and setback a minimum of ten feet from any side or rear lot line and 40 feet from any residential structure on adjacent property. Chickens must be kept within the covered enclosure or within a fenced area at all times, and must not be permitted to run at large in any street, alley, or public place, or upon the premises of another.

g. The enclosure must be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored. Also, possible nearby hiding places for rats, mice, or other rodents or vermin, such as trash, weeds and debris must be eliminated.

h. Ground feeding is prohibited. Appropriate feeder containers must be used for all feeding and water and all unused or unconsumed food must be adequately secured and stored after every feeding to prevent access by rats, mice or other rodents or vermin. All feed and other items associated with the keeping of chickens must be secured and protected in sealed containers.

i. Sanitary conditions must be maintained. Any person keeping hens must keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animal securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person, must cover and care for it to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom, except that persons are permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.

j. Chickens must be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to laying chickens, as amended, except as otherwise provided in this chapter.

4. Litters shall be exempt from these requirements until weaned.

- B. The keeping of the animals mentioned in subsection A., of this section shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing in accordance with the procedures of Section 138-1.203. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.
- C. If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with

the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.

- D. No person shall allow animals under the person's control or ownership to constitute a nuisance. The violation of this section may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary, this section shall not be a limitation on, lessen the effect of, nor interfere with any other City ordinance pertaining to animals and the enforcement of it.

Section 5. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby

Section 6. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 7. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2023 following its publication in the *Oakland Press* on _____, 2023.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2023.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING
THEREOF ON _____, 2023.

Leanne Scott, Clerk
City of Rochester Hills