ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-4.430 - THE KEEPING OF ANIMALS, SECTION 138-4.300 PERMITTED USES BY DISTRICT AND SECTION 138-13.101 - DEFINITIONS, OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-4.430 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-4.430 Raising and Keeping of Animals

A. The keeping of animals shall be permitted in any one-family residential zoning district subject to the following, unless there are other sections in this ordinance which are in conflict:

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 138-4.419.

2. Livestock and poultry are permitted provided:

a. The property where the livestock and poultry will be kept is an occupied single-family residence.

b. The keeping of roosters shall require conditional use approval.

c. The slaughtering of any animal at the property is prohibited.

d. The total size of the enclosure(s) for the keeping of livestock and poultry shall comply with the allowable square footage, height, and placement requirements for accessory structures on the applicable sized property as regulated within Section 138-10.102 Detached Accessory Structures. However, any structures used for the keeping of livestock and poultry shall be setback a minimum of twenty (20) feet from any property line for any property less than four (4) acres and for those properties of four (4) acres or more, enclosures shall be set back a minimum of forty (40) feet. Further, enclosures shall be generally located central to the property to limit noise and odor impacting abutting properties and minimize the potential for soil erosion along property lines.

e. Livestock and poultry shall be kept within a fenced area at all times, and shall not be permitted to run at large in or on any neighboring properties, road, or public place. Fencing for the keeping of livestock and poultry may extend to the side or rear property line and may be located in the front yard, but not within the required front yard. All fencing shall meet the requirements of 138-10.107.

f. The enclosure for the keeping of livestock and poultry shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored.

g. Appropriate feeder containers shall be used for all feeding and watering. All excess feed associated with the keeping of livestock and poultry shall be secured and protected in sealed containers. All exterior feeding areas shall be moved on a regular basis to limit excessive wear and potential soil erosion in the pasture area. Further, such feeding areas shall be located in an area(s) of the site that maximizes the distance from any abutting residences.

h. On any property where livestock and poultry are kept, appropriate sanitary conditions shall be maintained at all times. Any person keeping livestock and poultry shall utilize best practices for the keeping of all manure and shall also keep all manure away from abutting residences as well as from any wetland, watercourse or identified well area(s). The property owner shall ensure that the keeping of manure shall be done in a manner that prevents any offensive condition to exist and prevent any nuisance to arise therefrom. Manure, that is cultivated as compost may be used on the subject property provided that such composting is done in a manner that does not create an offensive or malodorous condition.

i. Livestock and poultry shall be kept in compliance with the applicable rules and practices contained in the latest edition of the Michigan Commission of Agriculture & Rural Development Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as amended, except as otherwise provided in this chapter.

j. The total number of livestock and poultry kept on any one property shall not exceed the following:

Acres	Number of Livestock (Small)	Number of Livestock (Large)	Number of Poultry	Number of Quail	Number of Roosters
Up to 1	0	0	0	0	Not Permitted
1-1.99	0	0	12	72	Not Permitted
2-2.99	2	3	18	72	Not Permitted
3-3.99	4	3	24	72	Conditional Use
4 or more	6	4	42	72	Conditional Use

k. Any request for the following shall require conditional use approval.

i. The keeping of animals above and beyond the total number prescribed above.
ii. The keeping of animals on acreage less than the total prescribed above.
iii. The keeping of roosters as prescribed above.

(a) As a condition of such approval the keeping of animals shall be certified by Michigan Agriculture Environmental Assurance Program (MAEAP) or shall show certification within one (1) year of such approval and shall maintain such certification for the length of the condition that triggered conditional use approval.

(b) The Planning Commission and City Council consideration shall include:
i. the size and configuration of the subject property
ii. the setbacks for the housing of animals along with the setbacks for the outdoor keeping of animals
iii. the size and configuration of surrounding properties
iv. potential adverse impacts on surrounding properties

3. Litters, broods, and other newborns shall be exempt from these requirements until weaned.
4. The keeping of animals generally considered to "exotic" animals shall be prohibited.

B. The keeping of the animals consistent with the standards 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 may 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 2. Section 138-4.300 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Key:	P: Permitted Use	C: Conditional Use	[—]: Use Not Permitted										
Use	R	R-5	RM-1	NB	CB	HB	BD	FB	O	EC	I	SP	Additional Standards
Animal and Agriculture Uses													

Key:	P: Permitted Use	C: Conditional Use	[—]: Use Not Permitted										
Use	**R**	**R-5**	**RM-1**	**NB**	**CB**	**HB**	**BD**	**FB**	**O**	**EC**	**I**	**SP**	**Additional Standards**
Agriculture	P	—	—	—	—	—	—	—	—	—	—	—	Section 138-4.401
Kennels	C	—	—	—	—	C	—	—	—	C	C	—	Section 138-4.419
Pet Boarding Facilities	—	—	—	P	P	P	—	—	—	C	C	—	Section 138-4.426
Plant Material Nurseries	C	—	—	P	P	P	—	—	—	—	—	—	Section 138-4.428
Raising and Keeping of Animals	P/C	—	P	P	P	P	—	—	P	P	P	P	Section 138-4.430
Stables, Riding Academies and Hunt Clubs	C	—	—	—	—	—	—	—	—	—	—	C	Section 138-4.434
Veterinary Hospitals or Clinics	—	—	—	P	P	P	—	—	C	C	C	—	Section 138-4.439

Section 3. Section 138-13.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-13.101 - Definitions

Definitions prior to LIVESTOCK shall remain unchanged.

LIVESTOCK (large). Cattle, horses, standard commercial and large heritage breed pigs, llamas, and other useful animals normally kept or raised on a farm.

LIVESTOCK (small). Sheep, goats, miniature horses, donkeys, miniature and medium heritage breed pigs, alpacas and other useful animals normally kept or raised on a farm.

Definitions after LIVESTOCK and before POULTRY shall remain unchanged

POULTRY. Domestic fowl such as chickens, turkeys, ducks, geese, quail and other useful animals normally kept or raised on a farm.

Definitions after POULTRY shall remain unchanged.

Section 4. 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 5. 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 6. 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 _____, 2026 following its publication in the *Oakland Press* on _____, 2026.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2026.

_____
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 _____, 2026.

_____
Leanne Scott, Clerk
City of Rochester Hills