

**ORDINANCE NO. 2020-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING CHAPTER 4 (ANIMALS AND FOWLS), ARTICLE 1 (GENERAL), SECTION 4-8 (KEEPING LIVESTOCK OR REPTILES PROHIBITED) AND SECTION 4-13 (NUMBER OF DOGS, CATS, AND RABBITS THAT MAY BE KEPT AT RESIDENCE) OF THE CODE OF ORDINANCES TO ALLOW FOR THE OWNERSHIP OF POT BELLY PIGS ON RESIDENTIAL LOTS UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of South Daytona's Code of Ordinances currently prohibits the ownership of livestock by residents within the City; and

**WHEREAS**, the City Council has received a request from a resident to allow ownership of miniature Vietnamese pot belly pigs as household pets; and

**WHEREAS**, several municipalities in Florida such as Pensacola, Melbourne, and Kissimmee allow for the ownership of miniature Vietnamese pot belly pigs for that purpose; and

**WHEREAS**, after thorough research, staff is now recommending that the City allow ownership of miniature Vietnamese pot belly pigs in residential areas with certain conditions; and

**WHEREAS**, the words which are underlined (underlined) below are proposed additions to the text and words that are struck-through (~~struck-through~~) are proposed deletions from the text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:**

**Section 1.** The City Council of the City of South Daytona hereby amends Section 4-8 of the South Daytona Code of Ordinances to read as follows:

**Sec. 4-8. – Keeping livestock or reptiles prohibited with the exception of miniature Vietnamese pot belly pigs.**

It shall be unlawful to keep or maintain horses, mules, asses, goats, reptiles, bulls, steers, cows or other cattle, or hogs within the city. Miniature Vietnamese pot belly pigs (referenced as pot belly pigs in this chapter) shall be allowed by permit only under all of the following conditions:

- (a) No more than two (2) pot belly pigs may be kept in a single-family residential lot.
- (b) The breeding of pot belly pigs is specifically prohibited. Male pot belly pigs four weeks of age or older shall be neutered; female pot belly pigs shall be spayed.
- (c) No pot belly pigs shall be kept outdoors. Pot belly pigs may be exercised from time to time within a securely fenced enclosure on the owner's residential property or while under the secure physical control of the owner or other custodian, by means of a secure leash. No pot belly pigs shall run-at-large.
- (d) All feed and other items associated with the keeping of pot belly pigs that can attract or become infested with rodents or other pests shall be kept in a rodent and pest/predator proof, fly-tight container. Clean water must be provided.
- (e) Pot belly pigs shall not be permitted to create a nuisance consisting of odor, noise, or pests, or contribute to any other nuisance condition, as defined in the city code or state law.
- (f) Manure is not allowed to accumulate. Any odor from pot belly pig feces detectable at the lot line shall be in violation of this code. Any pig excreta occurring off the owner's real property must be removed immediately.
- (g) Those property owners wishing to apply for a permit to own pot belly pigs shall complete the application form and submit it to the Police Department's Animal Control Division for consideration. Included with the application, the property owner shall:
  - 1. submit a certification from a licensed veterinarian in the state that all necessary and appropriate vaccinations have been administered; such certification shall be maintained yearly and produced by the applicant when requested by the city's animal control officer,
  - 2. submit written permission from each abutting property owner stating that they have no objection to the applicant's ownership and maintenance of pot belly pigs.
  - 3. pay an application fee of \$20 to cover the City expense of reviewing the application for completeness and issuance of permit.
- (h) Owner of these pets shall be responsible for correcting or abating any nuisance that may arise from keeping thereof.
- (i) Violation of these regulations shall be remedied through the code enforcement process whereby the special master may levy fines to force compliance or revoke the permit.

(j) Rescuing, fostering, sitting or any other form of temporary ownership of pot belly pigs within the City of South Daytona is expressly forbidden.

**Section 2.** The City Council of the City of South Daytona hereby amends Section 4-13 of the South Daytona Code of Ordinances to read as follows:

**Sec. 4-13. - Number of dogs, cats, pot belly pigs and rabbits that may be kept at residence.**

It is hereby found and declared that the keeping or maintaining of an inordinate number (herein found to be more than four (4)) of mature dogs, cats, pot belly pigs and rabbits in a city residential environment creates a health and sanitation menace due to the unabated excretion of fecal matter and urine of such animals which produces offensive odors and insanitary conditions, consequently:

(1) It shall be unlawful and prohibited for any person to keep or maintain a total combination of more than four (4) cats and/or dogs that have reached licensing age, and/or pot belly pigs, and/or rabbits of more than six (6) months of age at any one residence within the city.

~~(2) It shall be unlawful and prohibited for any person to keep or maintain more than four (4) rabbits of more than six (6) months of age at any residence within the city.~~

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 4.** That all ordinances made in conflict with this Ordinance are hereby repealed.

**Section 5.** That this Ordinance shall become effective immediately upon its adoption.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 13<sup>th</sup> day of October, 2020.

Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the 10<sup>th</sup> day of November, 2020.

SIGNED:

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William C. Hall  
Mayor

ATTEST:

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James L. Gillis, Jr.  
City Manager

CERTIFIED AS TO FORM:

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Scott E. Simpson  
City Attorney