

City of South Daytona

Office of the City Manager

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MEMORANDUM

AGENDA ITEM
D 11 DATE 10/13/20

To: James L. Gillis, Jr., City Manager

From: Jay Robinson, Executive Assistant

Re: Ordinance No. 2020-17 Allowing for the Ownership of Miniature Vietnamese Pot Belly Pigs as Household Pets

Date: October 7, 2020

During the September 14, 2020 City Council meeting, a resident, Justin French who resides at 516 Sherman Road, requested that the City amend our code to allow for the ownership of pot belly pigs as household pets. Chapter 4, Article 1, Section 4-8 of our Code of Ordinances prohibits the keeping of livestock including hogs within the City of South Daytona.

Research was conducted by staff as to the validity of pot belly pig ownership as household pets. Our research indicates that this is a growing trend throughout the United States. The United States Department of Agriculture acknowledges that the specific breed of pig known as miniature Vietnamese pot belly pigs (hereinafter referred to as pot belly pigs) are being kept as household pets and not just for livestock on farms. The cities of Pensacola, Melbourne and Kissimmee already have ordinances for the ownership and maintenance of pot belly pigs in residential areas as household pets.

After completing our research, staff feels confident that ownership of pot belly pigs as household pets is viable. To negate any undesirable consequences associated with irresponsible ownership, staff is recommending that ownership of these animals be allowed under certain conditions.

Attached to this memorandum is Ordinance No. 2020-17 which would amend the City's Code of Ordinances to allow for the ownership of miniature Vietnamese pot belly pigs under the following highlighted conditions:

- Pigs must be miniature Vietnamese pot belly pigs as the size and temperament of this particular breed are more consistent with household pets. All other pig breeds will remain prohibited.

- No more than two (2) pot belly pigs are allowed per residence and that the total combined number of animals (dogs, cats, rabbits and now pot belly pigs) allowed at a single residence is still limited to four (4).
- Pot belly pigs shall not be kept outdoors. They can be exercised in a fenced yard or taken for a walk on a leash, but they cannot be kept primarily outside.
- Property owners wishing to have pot belly pigs as household pets must secure a permit from the City's Animal Control Officer. Tenants must have the property owner make the application for permit since any infractions will be handled through our code enforcement process levied against the property owner and not the tenant.
- To reduce the likelihood of civil issues and promote cooperation amongst neighbors, the property owner wishing to apply for the permit must have written permission from all abutting property owners stating that they have no objections to the applicant owning and maintaining pot belly pigs.

If a property owner violates any condition of the ordinance, the infractions will be remedied through the code enforcement process where the Special Master may issue fines to force compliance or revoke the permit entirely.

Staff is recommending that we monitor the performance of this code revision to ensure it is working as intended which is to promote the responsible ownership of these animals. If unforeseen problems are encountered with the ownership of these animals, then we will either recommend a code revision or the elimination of the program altogether.

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.

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 ____ day of _____, 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 ____ day of _____, 2020.

SIGNED:

William C. Hall
Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

CERTIFIED AS TO FORM:

Scott E. Simpson
City Attorney