

PROPOSED
ORDINANCE NO. 10-14

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AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 4-2-21 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, DEFINING POT-BELLIED PIGS AS DOMESTICATED ANIMALS; CREATING SECTION 4-2-42 TO PROVIDE REGULATIONS FOR KEEPING POT-BELLIED PIGS AS PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 4-2-21 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 4-2-21. - Definitions.

- (a) *Owner*. The term "owner," as used in this article, shall mean any person owning, harboring, sustaining or keeping any animal or animals.
- (b) *Animal*. The term "animal," as used in this article, shall mean any male, female, or altered member of the canine or feline species, or any other domesticated animal, **including miniature pigs, commonly known as Vietnamese pot-bellied pigs. For purposes of this section the term "animal" does not include** ~~except~~ those classified by the Florida Fish and Game Commission as wildlife.
- (c) *Impounding officer*. The term "impounding officer," as used in this article, shall mean the mayor or his designee. Any authorized agents of the impounding officer may carry out the functions of this article.
- (d) *City council*. The term "city council," as used in this article, shall mean the City Council of the City of Pensacola, Florida.
- (e) *Direct control*. The term "direct control," as used in this article, shall mean immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of such strength to restrain the same; or in the case of specifically trained or hunting animals which immediately respond to such commands, direct control shall also include aural and/or oral control, if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal.
- (f) *Dangerous or vicious animal*. The term "dangerous or vicious animal," as used in this article, shall mean any animal which bites or in any manner attacks, or attempts to bite or attack, any person or kill domestic animals; provided, however, that no animal which bites

or attacks, or attempts to bite or attack, any person or domestic animal unlawfully upon its owner's or keeper's premises, shall be deemed a dangerous or vicious animal.

(g) *County*. The term "county," as used in this article, shall mean the Board of County Commissioners of Escambia County, Florida.

SECTION 2. Section 4-2-42 of the Code of the City of Pensacola, Florida is hereby created to read as follows:

Sec 4-2-42. Keeping Pot-Bellied pigs as household pets.

- (a) **The term "pigs" as used herein shall mean Pot-bellied Pigs.**
- (b) **The number of such pigs shall be limited to one per each residence.**
- (c) **The breeding of such pigs is prohibited.**
- (d) **Male pigs four weeks of age or older shall be neutered.**
- (e) **Such pigs shall be controlled by a leash, tether, harness or adequate enclosure any time said animals are outside the residence of the owner or other person harboring, keeping or maintaining said pig.**
- (f) **The owner shall display, upon request from the an animal control officer or any law enforcement officer, a current certification from a veterinarian licensed in the State that all necessary and appropriate vaccinations have been administered and that the pig has been tested and demonstrated free of parasitic disease. Such certification shall be obtained on a yearly basis.**
- (g) **It shall be unlawful for any pig owner or person in charge of a pig, to fail to remove deposits of pig excreta made by a pig in that person's charge when the deposit of the pig's excreta occurred in the presence of the pig's owner or person in charge of the pig on any property not belonging to the owner or a person in charge of the pig. If such depositing of excreta occurs, the owner or person in charge of the pig shall immediately cause its removal for disposal.**
- (h) **It shall be unlawful for any pig owner or person in charge of a pig to allow the area in which the pig is kept or allowed to roam to become the source of odors which are detectable on adjoining properties where such odors are the result of the pig being kept or allowed to roam on the subject property.**
- (i) **All other animal control and nuisance laws applicable to animals within the City of Pensacola shall apply to pot-bellied pigs.**
- (j) **A homeowners' association formed in accordance with State Statute may prohibit ownership of pot-bellied pigs through a formal inclusion in the association's covenants.**

SECTION 32. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 43. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 54. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: March 13, 2014

Approved: s/Jewel Cannada-Wynn
President of City Council

Attest:

s/Ericka L. Burnett
City Clerk

Legal in form and valid as drawn:

s/James M. Messer
City Attorney