

Sponsored by: Cinque
Introduction Date: November 27th, 2012
Public Hearing Dates: November 27th, 2012
December 11th, 2012
Enactment date: December 11th, 2012

**CITY OF MARATHON, FLORIDA
ORDINANCE 2012-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED "ANIMALS"; ADDING SECTION 5-7 AND SECTION 5-23 OF THE CODE OF ORDINANCE, CITY OF MARATHON, FLORIDA, TO ALLOW THE KEEPING OF DOMESTIC PIGS AS PETS IN THE CITY OF MARATHON SUBJECT TO REASONABLE REGULATION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council recognizes the rightful ownership of domestic animals and further recognizes that such animals can be an area a source of security and pleasure to their owners and to others; and

WHEREAS, the City Council also recognizes that it is necessary to protect the health, safety, and welfare of its residents and visitors, by regulating the keeping or harboring of domestic animals, livestock, wild, or exotic animals; and

WHEREAS, the City Council has received requests for the keeping of domesticated pigs as pets; and

WHEREAS, the City Council deems it necessary that the keeping of domesticated pigs as pets be properly regulated and monitored within the limits of the City of Marathon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Section 5-__ of the Code of Ordinances, City of Marathon, Florida is hereby created to read as follows:

Sec. 5-7. - Licensing and Vaccination of Domestic Pigs.

(a) Any person who owns or keeps in the City a domestic pig shall cause the animal to be licensed annually. No more than one domestic pig shall be allowed per owner with a maximum of two domestic pigs per property within the City. License certificates and license tags shall be issued by the City Manager or his/her designee and shall be valid for one (1) year. No other license certificate or license tag shall be valid in the City. A license certificate and license tag issued for one animal is only valid for the animal licensed and is not transferable. Persons newly residing in the City shall comply with the licensing provisions of this section within 30 days of change of residence.

(b) Application requirements for the license shall consist of:

1. Documentation of domestic pig owner and residence location with adequate contact information so as to allow the City to contact the animal owner if necessary.

2. A current and valid brucellosis and pseudo-rabies test / vaccination and accompanying certificate of veterinary inspection administered in the State of Florida.

(c) The City shall provide a license certificate and tag to applicants providing necessary documentation. The licensed animal shall be required to wear a license tag at all times, except as provided for herein. In the event a license tag is lost or destroyed, a replacement shall be issued by the City Manager or designee upon presentation of the corresponding license certificate and payment of a replacement fee.

(d) It is unlawful for any person to remove the license tag of any licensed animal within the City except:

(1) When the domestic pig is confined in a licensed kennel, veterinary hospital, or City pound facility, in which case the license tag number shall be recorded and readily identifiable with the animal to which it belongs;

(2) When a licensed veterinarian orders in writing that the license tag and collar be removed for reasons of the animal's health, in which case the animal shall be confined within an enclosed building or kennel at all times until the veterinarian permits the collar and tags again to be placed on the animal; or

(3) When the animal is being voluntarily confined within an enclosed building or kennel.

(e) It is unlawful for any person to use or to possess a stolen, counterfeit or forged license certificate or license tag, vaccination certificate, inoculation deterrent form or other documentation required by or issued pursuant to this chapter.

(f) It is unlawful for the owner or keeper of a domestic pig to refuse to show upon demand by the City Manager or designee the license certificate or license tag or other documents required by and issued pursuant to this chapter.

(g) The City Council shall establish by resolution the fees to be charged for the license certificate and license tag which may be modified from time to time at the discretion of the Council.

Section 3. Section 5-__ of the Code of Ordinances, City of Marathon, Florida is hereby created to read as follows:

Sec. 5-23 . Enforcement and penalties.

The City may enforce the provisions of this Chapter by any lawful means including, but not limited to, in accordance with section 1-7 of this Code; or in accordance with chapter 10 of this Code.

Section 4. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. This Ordinance shall be effective immediately upon enactment.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11 DAY OF DECEMBER, 2012

THE CITY OF MARATHON, FLORIDA


Mayor Mike Cinque

AYES: Ramsay, Snead, Keating, Cinque
NOES: Bull
ABSENT: None
ABSTAIN: None

ATTEST:

Diane Clavier

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

[Handwritten Signature]

City Attorney