

Sponsored by: Hernstadt  
Introduction Date: February 12, 2013  
Public Hearing Dates: February 12, 2013  
February 26, 2012  
Enactment date: February 26, 2013

CITY OF MARATHON, FLORIDA  
ORDINANCE 2013-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AMENDING ORDINANCE 2012-14 OF THE CITY OF MARATHON, FLORIDA, CONCERNING 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 of the City of Marathon, Florida (the “City”) recognizes that domestic animals that are pets can be a source of security and pleasure to their owners and to others, but also recognizes that it is necessary to protect the health, safety, and welfare of its residents and visitors, by regulating the keeping of domestic animals that are pets, livestock, wild, or exotic animals; and

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

**WHEREAS**, the City Council deems it necessary that the keeping of domesticated (Miniature Vietnamese Pot-bellied) 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 5-1 of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

**Section 5-1. – Definitions**

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*Animal* means any living ~~dumb~~-creature, other than a human being.

**Section 3.** Section 5-\_\_ of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

**Sec. 5-\_\_ . - Licensing and Vaccination of Domestic Pigs.**

(a) Any person who owns or keeps in the City a domestic (~~miniature-Vietnamese, pot-bellied~~) pig shall cause the animal to be licensed annually. No more than two pigs shall be allowed per property or owner 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 as identified herein:

1. The breeding of such domestic pigs is specifically prohibited.
2. Male pigs four (4) weeks of age or older shall be neutered and female pigs four months of age or older shall be spayed.
3. ~~The maximum weight of such pigs shall not exceed two hundred (200) pounds.~~
4. 3. Such Domestic pigs shall be controlled by a leash, tether or adequate enclosure at any time said animals are outside the residence of the owner or other person harboring, keeping or maintaining said pig.
5. 4. An adequate enclosure that meets the setback requirements for pens or other outside accessory structures provided in the city's land development regulations. "Adequate enclosure" for the purposes of this section shall not include a fence or other similar structure surrounding the entire rear, side or front yard.
6. ~~The area where the pigs are kept must be cleaned of feces and urine and sanitized no less than once a week. 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.~~
7. ~~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 pigs on any property not belonging to the owner or a person in charge of the pigs. If such depositing of excreta occurs, the owner~~

~~or person in charge of the pig shall immediately cause its removal for disposal.~~

(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 or other tests / vaccinations as may be deemed appropriate by local veterinarians including 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 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 7.** This Ordinance shall be effective immediately upon enactment.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 26<sup>th</sup> DAY OF FEBRUARY, 2013.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Mike Cinque, Mayor**


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

**ATTEST:**

  
\_\_\_\_\_  
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:**

  
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City Attorney