

SUMMARY REPORT TO MANAGER
for City Council Meeting of November 22, 2010

SUBJECT: MINIATURE PIG LICENSE

RESOLUTION SUMMARY: Second reading and adoption of an ordinance that provides for the keeping of miniature pigs as pets in the City of Midland by adding Article III to Chapter 3 of the Code of Ordinances and an amendment to Section 34-5 of the Code of Ordinances to add violations of Article III of Chapter 3 as municipal civil infractions.

ITEMS ATTACHED:

1. Letter of transmittal
2. Ordinance

COUNCIL ACTION:

1. 3/5 vote required to approve ordinance

Jon Lynch
City Manager



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November 16, 2010

Honorable Mayor and City Council
City of Midland
Midland, Michigan 48640

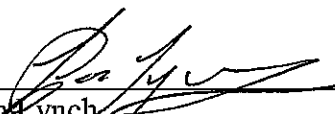
Dear Councilmen:

At the October 25 meeting, the City Council adopted a resolution to receive and file a staff report on keeping miniature pigs as pets, and directed the City Manager to prepare an ordinance to allow for the licensure of miniature pigs in the City of Midland. The report provided a list of suggested conditions for keeping a miniature pig as a pet. Also, the report recommended violations of an ordinance be considered a municipal civil infraction.

At the November 8 meeting, the City Council introduced and gave first reading of an ordinance consistent with the staff report. Attached for your consideration of a second reading and adoption is said ordinance that will become effective upon publication.

Please let me know if you have any questions.

Sincerely,



Jon Lynch
City Manager

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY ADDING A NEW ARTICLE, WHICH NEW ARTICLE SHALL BE ARTICLE III OF CHAPTER 3 THEREOF AND BY AMENDING SECTION 34-5 OF CHAPTER 34 THEREOF.

The City of Midland Ordains:

Section 1. Article III of Chapter 3 is hereby established to read as follows:

Article III. Farm Animals

Division 1. General

Sec. 3-40. Animals—Keeping, Harboring, Breeding.

It shall be unlawful to keep, harbor or breed any farm animal as defined in the City of Midland Zoning Ordinance, being Ordinance No. 1585, except (1) farm animals kept in that portion of the city zoned for agricultural purposes, or (2) animals used in a parade or for providing rides on a temporary basis for which a permit has been issued, or (3) animals kept as part of a show or event at the Midland County Fairgrounds, or (4) miniature pigs subject to the provisions of Division 2 of this article.

Division 2. Miniature Pigs

Sec. 3-41. Definition—Miniature Pigs.

As used in this article a miniature pig shall mean a pig that does not exceed a weight of 40 pounds at maturity.

Sec. 3-42. License Required.

(a) All miniature pigs kept within the city shall be licensed annually by the City Clerk of the City of Midland within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:

1. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
2. Payment of an annual fee of \$25.00.

(b) A miniature pig license shall continue to be valid until such time as:

1. The annual renewal fee is not timely paid in accord with the license application.
2. A current health certificate from a licensed veterinarian is not provided upon renewal.
3. The miniature pig is no longer maintained at the licensed location.
4. The licensee no longer resides at the location stated in the license.
5. The license is revoked.

Sec. 3-43. Running at large prohibited.

A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.

Sec. 3-44. Limitation.

It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. Each dwelling licensed to harbor a miniature pig may harbor only one miniature pig. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.

Sec. 3-45. Breeding and health.

It shall be unlawful for any person to maintain a miniature pig, which (a) is not spayed or neutered upon reaching maturity, or (b) has not undergone a blood test to show the animal is free from pseudo rabies, or (c) is maintained as a food source.

Sec. 3-46. License suspension or revocation.

The City Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provision of this division has been violated. Prior to suspension or revocation of any license, or upon denial of an application for renewal thereof, written notice for such action shall be given to the owner of the miniature pig.

Sec. 3-47. Violations.

Violation of this article shall constitute a municipal civil infraction as provided in Chapter 34 of this Code of Ordinances and may result in revocation of the miniature pig license.

Section 2. Sec. 34-5 of Chapter 34 is hereby amended to read as follows:

Sec. 34-5. Municipal civil infractions.

A violation of any of the following provisions of the City of Midland Code of Ordinances shall be a municipal civil infraction:

- (1) Chapter 8, Uniform Fire Code.
- (2) The city zoning ordinance.
- (3) Chapter 29, Stormwater Runoff Regulation and Control.
- (4) Section 22-2 of Article I of Chapter 22, Sign placement in the city right of way areas.
- (5) Article VI of Chapter 15, Telecommunications.
- (6) Article IV, Chapter 22, Addresses.
- (7) Article V, Chapter 5, Soil Erosion and Sedimentation Control.
- (8) Rules and Regulations of the Jack Barstow Municipal Airport.
- (9) Cemetery Rules
- (10) Article I of Chapter 26, Weeds.
- (11) Article III of Chapter 3.

Section 3. This ordinance shall become effective upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, November 22, 2010.

Selina Tisdale, City Clerk