

ORDINANCE 2010-08

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO ALLOW ONE NON-BREEDING DOMESTICATED PIG AS A HOUSEHOLD PET; PROVIDING A DOMESTICATED PIG TO BE SPAYED OR NEUTERED AND DE-TUSKED; PROVIDING FOR A DOMESTICATED PIG NOT TO COMMIT A NUISANCE; AND PROVIDING FOR THE STORAGE OF FEED; AMENDING SECTION 010-030 "TERMS DEFINED" OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO DEFINE DOMESTICATED PIG AND TO INCLUDE ONE NON-BREEDING DOMESTICATED PIG WITHIN THE DEFINITION OF HOUSEHOLD PET; AMENDING SECTION 045-030(D) "MISCELLANEOUS STORAGE" OF THE TOWN'S ULDC TO REQUIRE FEED TO BE KEPT AND STORED IN A RAT-PROOF STRUCTURE OR CONTAINER; AMENDING SECTION 045-030(F)(1)(a)(i) AND SECTION 045-030(F)(1)(c) "ANIMALS" OF THE TOWN'S ULDC TO ALLOW ONE NON-BREEDING DOMESTICATED PIG AS A HOUSEHOLD PET IN THE AGRICULTURAL ZONING DISTRICTS; AMENDING SECTION 045-30(F)(3)(d) "ANIMALS" OF THE TOWN'S ULDC TO ALLOW ONE NON-BREEDING DOMESTICATED PIG AS A HOUSEHOLD PET IN THE RURAL ZONING DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, when the Town incorporated on June 6, 2000, the Broward County Code became the Town's initial Code of Ordinances; and

WHEREAS, the Town currently allows the keeping of one non-breeding Vietnamese pot-bellied pig, but prohibits the keeping of other domesticated pigs; and

WHEREAS, the Town desires to relax this provision and to allow one non-breeding domesticated pig or Vietnamese pot-bellied, to be permitted as a household pet on a plot containing a permanent dwelling; and

WHEREAS, to help ensure the safe keeping of the domesticated pig the Town shall require domesticated pigs to be spayed or neutered, and de-tusked; and

WHEREAS, one non-breeding domesticated pig shall only be permitted provided that it does not cause a nuisance to surrounding properties; and

WHEREAS, the Town also desires feed to be kept and stored in a rat-proof structure or container; and

WHEREAS, the Town believes that these amendments are in the best interest of the health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. Section 010-030, "Terms Defined," of the Town's Unified Land Development Code is hereby amended to read as follows:

Domesticated Pig. The term "domesticated pig" means a swine of the Hampshire, Landrace, Duroc, or Yorkshire species, which has been tamed by generations of breeding, to live in close association with human beings as a pet or work animal and usually creating a dependency so that the animal loses its ability to live in the wild.

Household Pet. The term "household pet" means an animal kept for pleasure, rather than for utility, by a family, within the family's dwelling unit or on the same plot as the family's dwelling unit. The term shall include no more than one (1) ~~nonbreeding Vietnamese pot-bellied pig~~ non-breeding domesticated pig on a plot of land which is at least thirty-five thousand (35,000) square feet, and excludes livestock, poultry and farm products. All domesticated pigs shall be spayed or neutered and de-tusked.

Section 2. Section 045-030(D), "Miscellaneous Storage," of the Town's Unified Land Development Code is hereby amended to include sub-section 9 to read as follows:

- (9) All feed stored, accumulated, or kept shall be kept and stored in a rat-free and rat-proof structure or container.

Section 3. Section 045-030(F)(1)(a)(i) and Section 045-030(F)(1)(c), "Animals," of the Town's Unified Land Development Code is hereby amended to read as follows:

- (1) In all A-1 districts:
- a. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals each half (1/2) acre of plot area and one (1) animal for each quarter (1/4) acre of plot area. On plots three and

one-half (3 1/2) acres or more in net area, the number of animals specified in this subsection may be doubled, provided all animals are sheltered. There shall be no limit on the number of livestock on plots greater than ten (10) net acres in area.

(i) Provided that the livestock are not a nuisance pursuant to F.S. § 823.14, the number and types of livestock shall not be restricted on farms, except that in the A-1 district it is presumed that the raising, breeding or keeping of swine of any type ~~Except For one (1) pot bellied Vietnamese pig, shall be presumed to be a nuisance and shall not be allowed, except as specifically provided in sub-section (c) below.~~ Said nuisance determination may also be made by the town's special magistrate who shall consider F.S. § 823.14, case law, and the best management practices of the water management district and the department of agriculture and consumer services. As it relates to domesticated pigs, the special magistrate shall consider the Town's Code, case law, and the best management practices of the water management district and the department of agriculture and consumer services. F.S. § 823.14 shall not be considered as a factor in the special magistrate's determination.

- b. Poultry.
- c. In addition to the animals in subsection (F)(1)a of this section, the following may be kept on a plot containing a permanent dwelling:
 - 1. Birds and fowl.
 - 2. Dog, cats and other household pets.
 - 3. Wildlife pets as permitted and licensed by the state.
 - 4. One (1) non-breeding domesticated pig as a household pet. The domesticated pig shall be spayed or neutered and de-tusked. The domesticated pig shall not create a nuisance to surrounding property(s). Any domesticated pig found to create a nuisance by the Town's special magistrate shall be removed from the plot of land and such plot of land shall not be entitled to have another domesticated pig for a period of three (3) years.
- d. Commercial breeding of animals, limited to farm products.
- e. ~~Swine of any type, except for one (1) pot bellied Vietnamese pig as a household pet, are prohibited.~~

- f. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

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Section 4. Section 045-030(F)(3)(d), "Animals," of the Town's Unified Land Development Code is hereby amended to read as follows:

- (3) In the rural districts:
 - a. One (1) livestock for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in article 10 of this ULDC.
 - (i) Provided that the livestock are not a nuisance pursuant to F.S. § 823.14, the number and types of livestock shall not be restricted on farms in the rural districts. Said nuisance determination shall be made by the town's special magistrate who shall consider F.S. § 823.14, case law, and the best management practices of the water management district and the department of agriculture and consumer services. As it relates to domesticated pigs, the special magistrate shall consider the Town's Code, case law, and the best management practices of the water management district and the department of agriculture and consumer services. F.S. § 823.14 shall not be considered as a factor in the special magistrate's determination.

....

- d. ~~Swine of any type, except for one (1) pot-bellied Vietnamese pig as a household pet, are prohibited~~ One (1) non-breeding domesticated pig as a household pet. The domesticated pig shall be spayed or neutered and de-tusked. Any domesticated pig found to be a nuisance by the Town's special magistrate shall be removed from the plot of land and such plot of land shall not be entitled to have another domesticated pig for a period of three (3) years.

Section 5. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. Severability. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court

determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 7. Inclusion in Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Effective Date. This Ordinance shall be effective immediately upon its adoption.

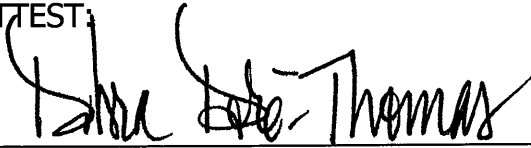
PASSED ON FIRST READING this 24th day of March, 2010, on a motion made by Council Member McKay and seconded by Council Member Fisikelli.

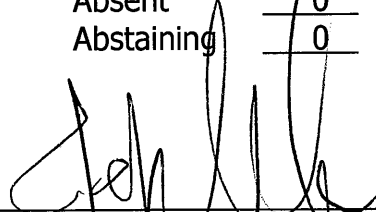
PASSED AND ADOPTED ON SECOND READING this 3rd day of June, 2010, on a motion made by Council Member McKay and seconded by Council Member Fisikelli.

Nelson	<u>AYE</u>
Knight	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Fisikelli	<u>AYE</u>
McKay	<u>AYE</u>

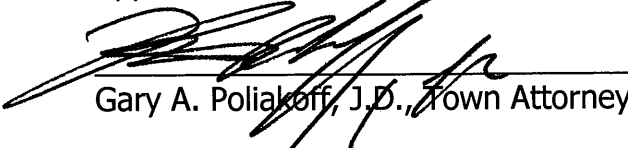
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

ATTEST:


Debra Doré-Thomas, CMC, Town Clerk


Jeff Nelson, Mayor

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney

ACTIVE: 2931424_1