



# City of Grand Island

Tuesday, October 24, 2017

Council Session

## Item F-2

### **#9656 - Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Mini-Pigs**

Staff Contact: Jerry Janulewicz

# **Council Agenda Memo**

**From:** Stacy R. Nonhof, Assistant City Attorney

**Meeting:** October 24, 2017

**Subject:** Chapter 5 Code Changes

**Presenter(s):** Jerry Janulewicz, City Attorney

## **Background**

A citizen of Grand Island was found to be in possession of a mini-pig in violation of City Code. This citizen forwarded a request to the Animal Advisory Board to change City Code to allow citizens to have mini-pigs within the city limits. The Animal Advisory Board then met to discuss the proposed changes and to either approve or disapprove proposed changes. What is being presented tonight are the changes approved by the Animal Advisory Board.

## **Discussion**

Codes regarding mini-pigs from numerous cities across the United States were examined for guidance in crafting code changes for Grand Island. A mini-pig will be limited to pure-bred animals of the species *Sus Scrofa Domesticus*. The five allowed breeds under this definition are the Vietnamese Potbellied, Juliana, African Pygmy (or Guinea Hog), Yucatan and Ossabow Island pigs.

Owners of mini-pigs will be required to license their pigs just as owners of dogs and cats are required to license their animals. Mini-pigs are required to provide proof of a series of vaccinations specific to pigs before the pig can be licensed. Also, mini-pigs will be required to be on a leash just as dogs are required to be on a leash if off the owner's property.

People will only be allowed to have one mini-pig that is no more than 100 pounds fully grown and measuring 22 inches in height at the shoulder. When applying for a license for a mini-pig, the owner must: show written proof from a licensed veterinarian that by the age of four (4) months the mini-pig has been spayed or neutered and show documentation that the mini-pig is a pure-bred of one of the five allowable breeds.

Mini-pigs are required to be vaccinated and blood tested annually. Veterinarians will be required to complete a certificate of vaccination and blood testing and then provide a copy of that certificate to the Animal Control Authority. If any mini-pig tests positive for

pseudorabies, brucellosis or other disease, the mini-pig is to be housed by the Animal Control Authority until it is cured of the disease. If the mini-pig cannot be cured, then the Animal Control Authority will destroy the mini-pig. Any housing of a mini-pig and/or destruction will be at the cost of the owner of the mini-pig.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the Ordinance amending Chapter 5 of City Code allowing for mini-pigs.

### **Sample Motion**

Move to approve Ordinance No. 9656.

## ORDINANCE NO. 9656

An ordinance to amend Chapter 5 of Grand Island City Code; to amend Sections 5-1, 5-12, 5-34 and Section 5-38; to add Sections 5-58 through 5-67; to clarify and/or make general corrections to various code sections, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Sections 5-1, 5-12, 5-34 and Section 5-38 of the Grand Island City Code are hereby amended to read as follows:

### CHAPTER 5 ANIMALS

#### Article I. General

##### §5-1. Definitions

As used in this chapter, the following terms mean:

Abandon. To leave any animal in one's care, whether as owner or custodian, for any unreasonable length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

Animal. Any live, member of the Animal Kingdom with the following exceptions:

- Human beings;
- Animals that are sold commercially as food for human consumption;
- Animals that are slaughtered as food for human or animal consumption;
- Animals that are slaughtered or processed for human use;
- Animals that are used for scientific research conducted at commercial or academic facilities;
- Animals that are used as commonly acceptable bait for lawful fishing activities; or
- Vermin.

Animal Abuse. To knowingly, willfully, intentionally or inhumanely kill, maim, injure, torture, or beat an animal with the following exceptions:

- Euthanization or treatment by a Veterinarian or at a Veterinary Hospital or Clinic;
- Euthanization or treatment at an Animal Control Facility;
- Killing or injuring by members of law enforcement or Animal Control Officers in the course of their duties;
- Killing or injuring by persons protecting themselves or others from potential death or serious injury; or
- Training or disciplining an animal using commonly accepted methods.

Approved as to Form	□
October 20, 2017	□ City Attorney

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Animal Control Authority. The entity contracted to enforce the City of Grand Island's animal control laws. This also includes any law enforcement agencies authorized to enforce local, State, or Federal animal control laws.

Animal Control Officer. Any person employed or designated by any Animal Control Authority or law enforcement agency to enforce local, State, or Federal animal control laws.-

Animal Shelter. Any facility operated by the City or by the duly authorized Animal Control Authority for the purpose of impounding or caring for animals held under the authority of this chapter.

Anti-Escape Barrier. Any housing, fencing, or device humanely designed to prevent a dog from leaving an area.

Apiary. A place where bee colonies are kept.

Auctions Facility. Any commercial establishment place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.

Bedding. Dry material such as straw, cedar or wood chips, or any other absorbent material that provides insulation.

Bee. Any stage of the common domestic honey bee, Apis Mellifera Species.

Birds. Any feathered vertebrate, including pigeons, but excluding poultry.

Bite. Any seizure with the teeth or mouth by an animal which causes injury or harm.

Boarding Kennel. Any commercial facility used to house animals owned by persons other than the owner or operator.

Breeder. Any person or entity engaged in breeding and/or selling more than ten (10) animals in any twelve (12) month period.

Circus. A commercial variety show featuring animal acts for public entertainment.

Colony. A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Commercial Animal Establishment. Any pet shop, grooming shop, auction facility, riding school or stable, performing animal exhibition, or kennel with the following exceptions:

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An animal shelter;  
A veterinary hospital or clinic;  
A commercial facility that sells, slaughters, or processes animals; or  
A commercial or academic animal research facility.

*Cruelly mistreat.* To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

*Cruelly neglect.* To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

*Dangerous Animal.* An animal that has killed a human being; has inflicted injury on a human being that requires medical treatment, or has killed a domestic animal without provocation with the following exceptions:

An animal that is provoked;  
An animal that is serving as a guard for persons or property; or  
An animal that kills or injures a person who is trespassing.

*Domestic animal.* Shall mean a cat, a dog, or livestock.

*Enclosure.* Any tract of land intended to restrain or contain an animal by means of a building, fence, or any other means.

*Fowl.* Any poultry, other than pigeons.

*Grooming Shop.* A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

*Health Department.* The agency or organization the City contracts with or designates to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code related to public health and welfare.

*Hive.* A structure intended for the housing of a bee colony.

*Hybrid animal.* Any animal which is the product of the breeding of a domestic dog with a nondomestic canine species.

*Humane killing.* The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

*Kennel.* Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

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*Livestock.* Any hoofed animal commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds, or poultry.

*Medical treatment.* Treatment administered by a physician or other licensed health care professional.

*Mini-pig.* A pure-bred animal of the species *Sus Scrofa Domesticus*, commonly known as Vietnamese Potbellied, Juliana, African Pygmy (Guinea Hog), Yucatan or Ossabow Island pigs.

*Mutilation.* Intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices.

*Owner.* Any person(s), or legal entity having permanent control of an animal or housing, feeding, or controlling an animal for more than three (3) days with the following exceptions:

A boarding kennel; or

A veterinarian, veterinary hospital, or veterinary clinic.

*Performing Animal Exhibition.* Any spectacle, display, act, circus, fair, or event in which animals perform.

*Pet.* Any animal kept for pleasure or companionship rather than solely for utility.

*Pet Shop.* Any person, partnership, or corporation, whether operated separately or in connection with another business except for a licensed kennel, that buys, sells, or boards any species of animal.

*Potentially Dangerous Animal.* (a) Any animal that when unprovoked:

inflicts an injury on a human being that does not require medical treatment; or

injures a domestic animal; or

chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

(b) Any specific animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

*Restraint.* Securing an animal by a leash or lead which results in it being under the control of owner or custodian or being confined within the real property limits of its owner or custodian.

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Riding School or Stable. Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

Running at Large. Any dog or other animal off outside the premises of its owner or custodian and not controlled by a leash, cord, chain, rope, cage or other suitable means of physical restraint.

Shelter. Any structure with a roof and at least three (3) walls designed and capable of protecting and/or housing one or more animals while providing protection from the elements and affording any animal housed or protected in it, the space to sit, stand, lie down, and turn around.

Torture. Intentionally subjecting an animal to pain, suffering, or agony with the following exceptions:

1. The slaughter of animals as food for human or animal consumption;
2. The slaughter or processing of animals for human use;
3. The use of animals for scientific research conducted at commercial or academic facilities;
4. The use of animals as commonly acceptable bait for lawful fishing activities;
5. The extermination of vermin;
6. The euthanization or treatment of an animal by a Veterinarian or at a Veterinary Hospital or Clinic;
7. The euthanization or treatment of an animal at an animal control facility;
8. The killing or injuring of animals by members of law enforcement or Animal Control Officers in the course of their duties;
9. The killing or injuring of animals by persons protecting themselves or others from potential death or serious injury; or
10. The training or disciplining of animals using commonly accepted methods.

Vermin. Animals that infest places where humans live, work, or control and which are commonly considered objectionable, excluding animals used solely as feeder animals. Examples include but are not limited to rodents and insects.

Wild Animal. Any animal that is native to a foreign country, of foreign origin or character, not native to the United States, not native to the State of Nebraska, and/or is any wild, poisonous, or potentially dangerous animal not normally considered domesticated, including but not limited to monkeys, raccoons, skunks, snakes and lions but excluding birds and those animals listed on the Approved Animal List.



### Article III. Animal Licenses

#### §5-12. Registration Fee; Amounts; Delinquent

(A) The owner of any dog, cat or mini-pig over the age of three months in the City of Grand Island shall pay an annual pet license fee for said animal. Such fee shall be adopted by the governing body and identified in the City of Grand Island Fee Schedule.

The annual pet license as provided in this section shall be for the period of January 1 through December 31 of the licensing year. The pet license provided for by this section shall be secured by each new owner or new resident within thirty days of establishing residency in the City or after acquiring said animal, notwithstanding the fact that the dog, cat or mini-pig may have been registered within the annual period by a previous owner or that the dog, cat or mini-pig had been registered with another authority other than the City of Grand Island.

(B) The fee required in (A) above shall become due on January 1 of the licensing year and shall become delinquent on February 1 of each year. The owner of any dog, cat or mini-pig in the City of Grand Island registering the same after said fee has become delinquent shall pay a surcharge in accordance with the fees adopted by the governing body identified in the City of Grand Island Fee Schedule.

(C) No dog, cat or mini-pig shall be registered and licensed unless and until the owner shall display a certificate of a licensed veterinarian showing that such dog or cat has been vaccinated for rabies. No mini-pig shall be registered and licensed unless and until the owner shall show proof of vaccination as found in Section 5-64 as found below.

(D) The owner of any dog, cat or mini-pig that has been declared "potentially dangerous" or "dangerous" shall pay, in addition to the pet license above, an annual kennel inspection fee. Such fee shall become due at the time of the declaration, and then shall be paid annually thereafter with the annual fee becoming due on January 1 of the year following the declaration, and shall become delinquent on February 1 of said year. The kennel inspection fee shall be adopted by the governing body and identified in the City of Grand Island Fee Schedule.

### Article VI. Animal Control

#### §5-34. Running at Large; Restraint Required

It shall be unlawful for any owner to suffer or permit any dog or other animal to run at large within the corporate limits of the City of Grand Island. "Running at Large" shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, rope, cage or other suitable means of physical restraint or if the animal is out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash, chain, or trolley system that is of a size and weight appropriate to the size, weight and temperament of the animal to prevent the animal from leaving the owner's premises. It shall be the duty of the Animal Control Authority or other appropriate city law enforcement officer to impound any animal found running at large within the City of Grand Island. Every animal found running at large in violation of this or any other section of the Grand Island City Code is declared to be a public nuisance and may be impounded at the discretion of the Animal Control Authority or other appropriate city law enforcement officer.

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**§5-38. Animal Noise**

(A) No owner shall allow conditions to exist on said owner's property whereby the owner's animal or animals annoy or disturb any neighborhood or any person by loud, continuous, or frequent barking, howling, yelping, crowing, oinking, squealing or grunting.

(B) Owners will be subject to fine pursuant to §1-7 of this code, or Nuisance Owner declaration pursuant to §5-46 at the discretion of the Animal Control Authority or other law enforcement personnel.

SECTION 2. CHAPTER 5 OF THE Grand Island City Code is hereby amended by adding the following:

**Article X. Mini-Pigs**

**§5-58. Number and Size Restrictions.**

It shall be unlawful for any person to own, keep, or harbor at any time more than one mini-pig, as defined in Section 5-1 above, per residential or dwelling unit within the city limits. Further, it shall be unlawful for any person to own, keep or harbor any mini-pig reaching a size greater than 100 pounds in weight and/or 22 inches in height measured at the shoulder within the city limits.

**§5-59. Spaying/Neutering.**

It shall be unlawful to own, keep or harbor a mini-pig within the city limits that is not spayed or neutered if four (4) months of age or older.

**§5-60. Restraint.**

It shall be unlawful for the owner of any mini-pig within the city to fail to keep their mini-pig securely restrained by a leash, cord, chain, rope, trolley system, or fence sufficient to confine the mini-pig in or upon their premises.

**§5-61. Damaging Property of Others.**

It shall be unlawful for the owner of a mini-pig to allow or permit their mini-pig to damage property of others or cause bodily injury. If the owner is adjudged guilty of a violation of this section, the court may, in addition to the penalty provided for the violation of this Code, order such disposition or destruction of the offending mini-pig as may seem reasonable and proper.

**§5-62. License Application.**

Written application for a pet license as required by provisions of this Chapter shall be made to the Animal Control Authority, or other authorized agency. The contents of the application shall contain:

- (a) The name and address of the owner of the mini-pig;

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- (b) The color, age and sex of the mini-pig;
- (c) Documentation signed by a licensed veterinarian indicating that, upon reaching the age of four (4) months, the mini-pig has been neutered or spayed;
- (d) Documentation of the breed of the mini-pig conforming to the definition of mini-pig as found in Section 5-1 above; and
- (e) Other such information as may identify the mini-pig.

The applicant shall certify to the information contained in such application under penalty of law for the willful making of any untrue statement.

**§5-63. Date for Obtaining License.**

Licenses required by Section 5-12 shall be procured in conformance with the requirements of Section 5-12.

**§5-64. Vaccination Required.**

Every mini-pig required to be licensed by this Article shall be vaccinated by a veterinarian licensed to practice in the State of Nebraska for the following diseases:

<u>Four (4) to Six (6) Weeks of Age:</u>	<u>Erysipelas bacterin</u>
	<u>Leptospira ( 5 or 6 serotypes) bacterin</u>
	<u>Atrophic rhinitis vaccine</u>
<u>Eight (8) to Ten (10) Weeks of Age:</u>	<u>Repeat above schedule (unless second vaccine already administered)</u>
<u>Biannually:</u>	<u>Booster leptospira bacterin</u>
<u>Annually:</u>	<u>Booster erysipelas bacterin</u>
	<u>Tetanus toxoid (if recommended by veterinarian)</u>
	<u>Booster atrophic rhinitis vaccine</u>

Young mini-pigs shall be vaccinated within thirty (30) days after they have reached two (2) months of age. Unvaccinated mini-pigs acquired or moved into the State must be vaccinated within thirty (30) days after purchase or arrival, unless under two (2) months of age as specified above. Subject to the above, every such mini-pig shall be revaccinated following a period of not more than twelve (12) months since its last vaccination.

**§5-65. Blood Tests Required.**

Every mini-pig required to be licensed by this article shall, no later than the age of eight (8) weeks, be blood tested to ensure that the animal is not carrying pseudorabies or brucellosis. Such testing shall be repeated annually thereafter. In the event the animal tests positive for either disease, the animal shall be held by the Animal Control Authority and treated until cured, or if

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the disease is incurable, the animal shall be destroyed. The cost of holding and, if necessary, destroying the animal shall be borne by the owner of the animal.

**§5-66. Certificate of Vaccination and Blood Testing.**

It shall be the duty of each veterinarian, at the time of vaccinating or blood testing any mini-pig, to complete a certificate of vaccination and blood testing, which shall include but not be limited to the following information:

- (a) The owner's name and address;
- (b) An adequate description of the animal, including but not limited to such items as the animal's sex, age, name, and distinctive markings;
- (c) The date of vaccination;
- (d) The vaccination tag number;
- (e) The type of vaccine administered;
- (f) The manufacturer's serial number of the vaccine used. Such veterinarian shall issue a tag with the certificate of vaccination;
- (g) The date of blood testing; and
- (h) The results of the blood tests.

The veterinarian shall make and provide a copy of each certificate issued to the Animal Control Authority at the time of its issuance. In the event blood tests reveal the presence of pseudorabies, brucellosis, or other disease, the veterinarian shall notify the Animal Control Authority immediately.

**§5-67. Penalty for Violations.**

Any person upon whom a duty is placed by the provisions of this Article who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Article, shall be fined pursuant to §1-7 of this Code and the owner shall be subject to the provisions of §5-46 Nuisance Owner of this Code. Each day that a violation of any section of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter provided.

SECTION 3. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the *Grand Island Independent* as provided by law.

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Enacted: October 24, 2017.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk