

REQUEST FOR DECISION

SUBJECT

Prior report to the Planning Advisory Committee with respect to an application to amend the Land Use By-law to permit ownership of pot-bellied pigs as a pet. The prior report recommended against approval. At the meeting the Planning Advisory Committee referred the matter back to planning staff with a request that staff research conditions that might be included in an amendment that would permit the request.

RECOMMENDATION

Review the information provided and advise.

KEY ISSUES

The amendment as attached would allow pot-bellied pigs as pets in residential units that have direct access to the ground and limited to single detached dwellings and semi-detached dwellings characterized by not more than one (1) shared property line with a maximum of one (1) unit per lot.

The amendment would consider pot-bellied pigs as pets similar to dogs and the requirements of the By-law Respecting Dogs would apply to pigs except where there is an obvious reference that, with reasonable interpretation, can only be applied to dogs.

Certain other conditions would apply with respect to location on the property, care by a veterinarian and identification by an implanted chip.

RELEVANT POLICIES, BY-LAWS, AND REGULATIONS

The Land Use By-law and the By-law Respecting Dogs.

FINANCIAL

There are no financial implications for the Town.

FOLLOW-UP ACTION

For the Planning Advisory Committee to recommend to Council to proceed to a Public Hearing.

Pet Pigs

Amend Section 5.38 of the Land Use By-law as shown in green as follows:

5.38 Agricultural Uses Prohibited:

(1) The following uses shall be deemed prohibited within the Town of Yarmouth:

- * Storage of Human and Animal Waste;
- * Fox and Mink Farms;
- * Furs and Skins Ranch Farms;
- * Farm Animal Breeding, including Poultry Farms;
- * Turkey, Game Bird, Chicken Farms and Chick Hatcheries;
- * Cattle, Pig or other Livestock Farms;
- * Dairy Farms;
- * Poultry and Egg Farms;
- * Sheep and Goat Farms
- * Horse Farms;
- * Slaughter Houses; and,
- * Feed Lots.

(2) Notwithstanding the above, no more than two (2) pot-bellied pigs may be permitted as pets in a single detached dwelling and/or a semi-detached dwelling characterized by not more than one (1) shared property line with a maximum of one (1) unit per lot provided that:

- the pig is contained within the residence;
- the pig has regular care by a registered veterinarian, is vaccinated for rabies, and treated for routine parasite control; and
- the pig has an implanted microchip as permanent identification.

(3) (a) The provisions of the Town of Yarmouth By-Law Respecting Dogs shall apply to pot-bellied pigs as pets except where there is an obvious reference which, with reasonable interpretation, can only be applied to dogs;

(b) where there is a conflict between the provisions listed above, the By-law Respecting Dogs, and the requirements of any other level of government, the most restrictive provisions shall apply; and

(4) Sections (2) and (3) shall be enforced by "Town Staff" as defined in the By-Law Respecting Dogs.

For information the following are some of the provisions in the By-Law Respecting Dogs that would not apply to pot-bellied pet pigs. This list is intended to illustrate and may not be complete.

Appendix "A"

2 (i) "wolf-dog hybrid" means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such

11. However, such a tag may be removed while the dog is being used for lawful hunting purposes in the presence and under the control of the dog's owner and wearing a collar bearing the owner's name and address

Fierce or Dangerous Dogs

25. For purpose of this By-law a dog that is fierce or dangerous means any dog:

- (a) that is a wolf-dog hybrid;
- (b) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
- (c) that, in the absence of a mitigating factor as defined herein, has attacked or injured a domestic animal;
- (d) that, in the absence of a mitigating factor as defined herein, when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
- (e) owned or harboured in whole or in part for the purpose of dog fighting; or
- (f) trained for dog fighting; provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

38. Town Staff may forthwith, without notice to the owner, destroy after capture any dog that: (a) is suffering from the parvo virus, or appears to be suffering from the parvo virus;