

January 1, 2012

To: Lawrence City Council

MEMORANDUM IN SUPPORT OF ADDING POT-BELLIED PIGS LESS THAN 150LBS TO THE LIST OF ANIMALS EXCLUDED FROM PROHIBITION IN SECTION 3-104(A) OF THE LAWRENCE CITY CODE

[Introduction]

This memorandum is in support of adding potbelly pigs to the Lawrence city code in the interest of creating a workable and sensible law that benefits the people and animals of the city of Lawrence.

Lawrence has a strong interest in preserving the rights to property and free expression for its citizens. The issue of animal ownership embraces both of these questions. People express and define themselves by the pets they choose to keep. Where the animals present no inherent threat or danger by their nature, the City should not interfere with its citizen's property rights by arbitrarily drawing distinctions between permissible and impermissible pets. The current city code embraces these ideas, as do the recent amendments (allowing hedgehogs, etc.).

Potbelly pigs are intelligent, emotional creatures that make terrific companions and form rewarding relationships with the humans in their lives. They present no unique safety or nuisance concern, and as such should be added to the list of animals excluded from prohibition. Such an addition would allow residents to own one neutered potbelly pig per household, provided that the animal is kept healthy and maintains a normal weight up to 150lbs.

[Current City Code Provisions]

While the city has raised concerns that potbellies will need additional laws in place to protect people and other animals, this is not the case. The city's concern is understood to arise from the possibilities for nuisance or an animal at large. While the City code does not currently contemplate pigs at all, there is no reason to think them a specific nuisance or safety concerns that the current laws cannot safeguard against. Existing provisions in the city code protect the residents of Lawrence and the City's other interests from any issues that may arise in potbellied pig ownership, just as they do with all pets currently allowed. As potbelly pigs are not fundamentally different from dogs or cats, the same rules should apply to all equally.

- *Section 3-106 Animal Nuisances*
This section would apply to potbellies just as it currently does to dogs and other animals, permitting citation and removal of nuisance animals. This blanket provision covers many of the nuisance-type concerns the city has, including noise and odor control.
- *Section 3-107 Animal Owner Responsibility for Removal of Animal Excrement*
The application of this section requires owners to remove animal feces, and together with the odor control language of the nuisance regulation, this would all but eliminate the city's concern about odor control. The odor commonly associated with pigs is a result of their excrement; however, when potbellies are housebroken and kept primarily indoors as pet animals, the smell is nearly non-existent. Potbellies are very clean animals, and naturally clean themselves after using the bathroom or getting dirty. They have even been known to use mirrors to check and make sure they are cleaned off!
- *Section 3-201 Immunization of Dogs / Cats / Ferrets*
This section could easily be amended to include potbellies, however, it should be noted that potbellies generally do not need to be vaccinated to be healthy or to protect other people or animals from disease. Common pig vaccines are made for farm pigs and don't seem to have much value to the potbellies since the vaccines are made for one particular strain of a disease that potbellies rarely, if ever, get. If the city does decide to include mandatory Vaccination, they may include Erysipelas, Bordetella, and Pasteurella on a yearly basis after initial double dose at 6 -10 weeks and 12 -14 weeks. As of this writing, rabies vaccine is not approved in pigs. Pigs are resistant to rabies and are very unlikely to contract the disease. See <http://www.pigs4ever.com/PotBelliedPigInfo/vaccinations.htm>.
- *Section 3-202 Animals Prohibited to Run at Large*
The city has raised concerns that potbellies would need special rules regarding the keeping and containment; however, this section of the code adequately protects residents and punishes owners who allow their animals to escape. If a potbelly is watched and trained well, he is no more at risk for escape than a dog that may dig under the fence, and should be treated the same way.
- *Section 3-206 Noise Disturbance, Section 3-207 Damage to Private Property, Section 3-208 Animal Bites*
These sections adequately protect against any noise, damage, or biting concerns that the city may have. While potbellied pigs are not currently contemplated by the city code, it is not anticipated that adding them to the list of allowed animals would significantly increase animal bites or cause a significant increase in dangerousness to the safety of citizens. Therefore simply subjecting potbellies to the current safety regimen already in place is the most effective way to address these concerns.

[Weight Restriction]

A weight restriction of any less than 150lbs is unnecessary to protect against appearance of hogs in the domestic environment. The sole purpose of a weight restriction would be to ensure that the animal is, in fact, a potbelly pig and not a hog or other breed of large pig, and therefore any weight restriction which is enacted should reflect the full-grown healthy weight of these animals, which is 150lbs.

While currently the city is considering an 80lb. weight limit, modeled from other Kansas laws, this limit is arbitrary and has been highly criticized by those knowledgeable about pig laws and biology. While there is a current fad in pig breeding toward “teacup” pigs, the reality is that these pigs are no different than normal potbellies, and maintain small size and weight through starvation and other deplorable breeding tactics. Underfeeding a pig, or any animal for that matter, will cause serious health problems and deformities. As for the so-called “teacup” or “micro-mini” pigs, these are just normal potbellied pigs that have been chronically underfed and malnourished in an attempt to keep them small. Their life span is maybe five years or less. This is because the pig stays tiny, but the organs continue to grow as for a normal size pig.

Pigs are very solid and "hard-bodied." It does not take a very "big" pig to weigh 100 pounds. It is often best to describe a pig in terms of size, not weight. In dealing with inexperienced pig people, it is best to describe the size of their pig in relation to the size of a dog. Most people can relate to and visualize the size of a dog better than they can a pig. An average potbellied pig at maturity will probably be in the 90-150 pound range if not overweight. This is the size of a small to medium sized dog in terms of height and length (something like a basset hound). The smallest healthy adult potbellied pig seen was about 60-75 pounds at maturity. Keep in mind that size (length and height) are a function of genetics and are predetermined in the pig. Weight is mainly a function of how much the pig eats. Pig owners can affect their pig's weight through feeding and exercise, but not the pig's eventual size. Therefore, size restrictions are a much better indicator of breed than weight restrictions.

The only likely result of a weight limit less than 150 lbs. would be that hale and hearty potbellied pigs would be taken away from their owners for being “too heavy”, when in fact they are far healthier than a smaller, starved pig. The city should enact a law that allows for potbellies to grow and be healthy creatures.

[Licensing Procedure]

Potbelly pigs, as pets, are extremely similar to dogs and cats. Aside from ensuring that the potbelly is indeed a potbelly and not a larger breed of pig, there is no difference between potbelly pigs and dogs or cats that mandates a complicated and onerous licensing scheme. In amending the city code to allow for residents to own potbelly pigs, the city should adopt a simple licensing procedure that will ensure that the city’s interests are protected and is not unnecessarily burdensome on pet owners.

The city has a strong interest in protecting the residents from animals at large, nuisances, and other problems that may result from irresponsible pet ownership. As discussed earlier, potbelly pigs present no unique threat that needs to be addressed by the city because the code covers those issues in a blanket fashion that can easily be applied to potbelly pigs. Similarly, there is nothing unique about a potbelly pig that requires a complicated permit where dogs or cats do not, save for the condition of being a domesticated potbelly pig.

A simple document from a veterinarian stating that 1) the animal is indeed a domesticated potbelly pig, 2) the animal weighs less than 150lbs, 3) the animal has been neutered, and 4) the animal appears to be in good health, which would be filed with the City Clerk, is all that is required to ensure the city's interests are protected.

Furthermore, neither the city nor the pet owner would benefit from a complicated and onerous licensing procedure. The pet owner would be subject to substantially higher costs of pet ownership and the city would undoubtedly incur additional costs implementing a more complicated program. While the city is right to ensure the safety of its residents, a process that uses more resources than another while accomplishing the same task is not in the city's best interest. As stated previously, once it has been established by a veterinarian that an animal is indeed a neutered, healthy, domesticated potbelly pig, there is no independent reason to treat them differently from animals like dogs or cats in regards to pet ownership. As the simple licensing procedure would provide this assurance to the city at low cost, it should be preferred over a more complicated and expensive program.