

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
DAVID MULLIKIN and) ORDER
KATELIN MULLIKIN)
)
(Property located at 500 Boone Street)
Berea, Kentucky))

This matter came on for hearing before the Code Enforcement Board, upon an appeal following the issuance of a citation charging that David Mullikin and Katelin Mullikin, the owners of the property at 500 Boone Street were in violation of keeping, harboring or maintaining an animal unit or units on a residential lot under 1 acre; within 75 feet of their residence; and within 350 feet of other residences; which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector, Amanda Haney, originally on October 12, 2020, by mailing a notice to the residents. A notice of violation was provided by letter from the Code Enforcement Office dated October 12, 2020 and mailed to the residents and posted directly to the structure.

Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing on the appeal to determine whether the property at 500 Boone Street is compliant with City Ordinance §51.100, et. seq.

A hearing was held on this matter before the Code Enforcement Board on December 15, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, Chair, Ken Vasey, Terry Bingham, Tom Schultz and James Anderson. Also present were Amanda Haney of the Code Enforcement Office, and Robin Adams, City Clerk, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert,

City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney, of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of their inspections of the property at 500 Boone Street, summarized as follows:

On October 12, 2020, the Berea Code Enforcement Office observed two (2) pigs roaming freely in an enclosed area in the back yard. The Code Enforcement Officer took photos, and a notice of violation was delivered by First Class U.S. mail addressed to the residents and by posting notice directly on the structure on October 12, 2020.

Amanda Haney of the City of Berea Code Enforcement Office testified she observed two (2) pigs free roaming in a small enclosure in the back yard of 500 Boone Street. The lot at 500 Boone Street is a small town lot and less than the one (1) acre area required under City Ordinance 51.101 to keep even one (1) unit of livestock. The pigs were within 75 feet of the Mullikin residence and within 350 feet of other residences on Boone Street. She further testified that the only animals considered as "service animals" by the Americans with Disabilities Act are canines. While the American Association of Mini Pigs recognizes therapy pigs and emotional support pigs, neither are excluded from the definition of livestock in Ordinance §51.100 of the Berea City Code.

The owner, David Mullikin, after being sworn, testified the pigs are not regular pigs which are considered to be livestock but, rather, they are pot belly pigs and are pets. He testified the animals sleep in the house with their dogs, are docile; have a friendly temperament; are beloved pets and are helpful to children and are being trained as therapy pigs. The co-owner, Katelin Mullikin, also testified that she has a Doctorate in Therapy and intends to have the pigs certified as therapy animals for use in her therapy with young children. She testified the animals are Vietnamese pot belly pigs, are full

grown at a height of 13 inches and weight of 150 pounds. She stated they typically can sleep up to 20 hours per day. The pigs are let outside twice a day for periods of approximately 30 minutes each time. The owners have a large doghouse equipped with a heat lamp for the pigs, as the pigs do not enjoy the cold. They also have a pen in the house for them.

Neighbors, Ed Abbott, Christopher Harms, Becca Cates, and Tyler Thompson, all testified in support of the Mullikins having the pigs on their property; that they have had no issue with any odor caused by the animals; do not believe the presence of the pigs affect the value of their property; and overall do not object to the pigs remaining on the property.


Based upon the foregoing evidence, the Code Enforcement Board concludes as follows:

1. The owners were given notice of the hearing and appeared before the Code Enforcement Board and the hearing was duly advertised.
2. The two (2) pot belly pigs kept at 500 Boone Street currently meet the definition of livestock under Ordinance §51.100 of the Berea City Code.
3. As such, David Mullikin and Katelin Mullikin, the owners of the property at 500 Boone Street are currently in violation of the City's Code of Ordinances in that there are two (2) units of livestock (pigs) being kept on a town lot which has an area less than the one (1) acre per unit of livestock and within the prohibited proximity of residences required by City Ordinance 51.101 to keep livestock;
4. While the owners of 500 Boone Street are subject to be assessed a fine, the Board declines to do so at this time as the Mullikins indicated that they desire to propose an ordinance to the Berea City Council excluding pet pigs as livestock.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board Orders the owners shall bring the property in compliance with Code by March 1, 2021.

BEREA CODE ENFORCEMENT BOARD

Date: 12/30/2020

By: 
Andrew Baskin, Chair

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail or by hand-delivery, on the date set out below.


U.S. mail:

David & Katelin Mullikin
500 Boone Street
Berea, Kentucky 40403


Hand delivery:

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky 40403

Date: January 4, 2021

By: 
Robin Adams, City Clerk

Prepared by:


Jerry W. Gilbert
Corporation Counsel