

LEON COUNTY

DEPARTMENT OF ANIMAL CONTROL



Leon County Ordinance Sec. 4-36. – *Public Nuisance Prohibited*

- (a) It shall be unlawful for any person to allow his or her animal to become a public nuisance.
- (b) The owner of any domestic or captive wild animal which is a public nuisance shall be subject to the procedures and penalties set forth in section 4-29.
- (c) Any animal which is feral shall be classified as a public nuisance and may be impounded and humanely euthanized. Feral animals may not be required to be held for a minimum period of time as is required for other stray animals (as provided in division 2).
- (d) Any nuisance complaint may be investigated by animal control or law enforcement. The owner shall first be given written notification by the county of the public nuisance, that the owner is required to make reasonable effort to abate the nuisance within seven calendar days of the written notice of violation, and that subsequent violations or failure to abate the nuisance may result in the issuance of a citation to the owner for allowing his or her animal to become a nuisance.
- (e) Subsequent violations, after warning, shall be based on the following:
 - (1) An animal control officer or law enforcement having personal knowledge of the nuisance; or
 - (2) Sworn affidavits of complaint signed by two unrelated residents living in separate dwellings in the close proximity of the alleged violation; or
 - (3) Sworn affidavit of complaint signed by a resident living in the close vicinity of the alleged violation together with a videotape of the activity complained of recorded by, or recorded in the physical presence of such resident.
- (f) For the purposes of this section, *close proximity* shall mean residing within a radius of 200 feet from the residence or location of the offending animal or property but shall not preclude the consideration of evidence and testimony of persons living more than 200 feet from the residence or location of the offending animal. One affidavit may be sufficient to warrant an investigation where there is only one party in close proximity to the alleged nuisance.
- (g) The affidavit(s) shall specify the following:
 - (1) Address or location of the alleged violation.
 - (2) The nature, time and date(s) of the act.
 - (3) The name and address of the owner or custodian of the animal, if known.

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- (4) Description of the animal, if known.
- (5) The videotape shall include the date and time of the event being recorded and shall provide evidence of the nature and extent of the violation.
- (h) Affidavits received by Animal Control within ten (10) business days of the alleged violation will result in an investigation of the complaint. If the complaint is valid and probable cause exists that a violation of this section has occurred, a citation may be issued.
- (i) Nothing in this section shall be construed to give authority or authorization to any person(s) to trespass on private property.

Leon County Ordinance **Sec. 4-43. - *Removal of Animal Waste.***

- (a) It shall be unlawful for any owner of an animal to fail to remove any feces deposited by his or her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.
- (b) This section shall not apply to disabled persons accompanied by a service animal used for assistance in accordance with the law.

Section 4-26. – Definitions...

Public nuisance by animals means, but is not limited to:

- (1) Any animal which chases vehicles or persons; or
- (2) Any animal, which runs at large upon public or private property without permission from the property owner; or
- (3) Any animal which soils, defiles, or defecates on public or private property, other than the property of the owner, unless the owner removes and properly disposes of it; or
- (4) Any animal which causes unsanitary or dangerous conditions to exist resulting in noxious odors, the attraction of rodents, insects, vermin, animal pests and parasites (i.e., ticks, fleas, worms, etc.); or
- (5) Any feral animal; or
- (6) Any animal which meows, barks, howls, whines or makes other sounds common to the species, persistently or continuously for a period of 30 minutes or longer when the animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. This subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility.; or
- (7) Failure to remove animal fecal matter such that adjacent property owners or inhabitants are unable to enjoy the use of his or her property due to the odor or smell; or
- (8) Failure to eradicate fleas, ticks and other animal pests and parasites from the animal owner's and/or caregiver's property which results in an infestation or proliferation of the same beyond the boundaries of the animal owner's and/or caregiver's property.