

## **QUESTIONS AND ANSWERS REGARDING "NUISANCE AFFIDAVITS"**

### **WHY HAVE THESE AFFIDAVITS BEEN LEFT FOR US?**

YOUR RECENT COMPLAINT ABOUT ANIMAL PROBLEMS IN YOUR IMMEDIATE NEIGHBORHOOD HAS RESULTED IN AN ANIMAL CONTROL OFFICER INVESTIGATING YOUR COMPLAINT. IF THIS OFFICER WAS UNABLE TO ACTUALLY WITNESS THE VIOLATION YOU REPORTED, WE WILL STILL TAKE YOUR COMPLAINT SERIOUSLY AND WOULD LIKE TO FIND A SOLUTION TO YOUR PARTICULAR PROBLEM. THESE AFFIDAVITS WILL HELP US DO JUST THAT.

### **WHAT HAS ANIMAL CONTROL DONE BESIDES LEAVE THESE FORMS OFF AT MY HOUSE?**

IF YOU SUPPLIED OUR OFFICE WITH THE NAME OR ADDRESS OF THE OFFENDING PET'S OWNER, THE OFFICER WILL HAVE GONE TO THE SOURCE OF THE PROBLEM AND ISSUED THE PERSON RESPONSIBLE FOR THE ANIMAL A WRITTEN WARNING, INFORMING THEM THAT THEIR ANIMAL IS CREATING A NUISANCE TO THE COMMUNITY. THIS WARNING ALSO REQUESTS THAT THEY TAKE MEASURES TO ABATE THE NUISANCE IMMEDIATELY. IN THE EVENT THAT THE PROBLEM CONTINUES OR RECURS AFTER THIS WARNING WAS SERVED, THE PROPER USE OF THESE AFFIDAVITS WILL ASSIST US IN THE NEXT STEP OF ENFORCEMENT. THIS STEP WOULD LIKELY INCLUDE A CITATION AND FINE TO THE OWNER OF THE ANIMAL FOR CONTINUING TO ALLOW THEIR ANIMAL TO DISTURB THE NEIGHBORHOOD. YOUR DOCUMENTATION OF THE CONTINUED PROBLEM WILL HELP THE COUNTY SUCCESSFULLY PROSECUTE A PERSON WHO SHOWS LITTLE OR NO REGARD FOR THEIR NEIGHBORS RIGHTS TO ENJOY THEIR PROPERTY WITHOUT THE DISTURBANCE CAUSED BY LOOSE, BARKING OR NUISANCE ANIMALS.

### **WHY DID YOU LEAVE ME MORE THAN ONE FORM TO FILL OUT?**

FOR SUCCESSFUL PROSECUTION, THE COUNTY MUST PROVE TO THE COURT THAT THE PROBLEMS CREATED BY CERTAIN ANIMALS ARE A NUISANCE TO THE IMMEDIATE COMMUNITY. TO PROVE THIS, WE NEED A "MINIMUM" OF THREE AFFIDAVITS BEING COMPLETED BY SEPARATE HOUSEHOLDS BY PERSONS WHO SHOULD BE WILLING TO TESTIFY IN COURT (IF NECESSARY) TO RESOLVE THIS MATTER. WITHOUT WITNESSING THE ACTS OURSELVES, IF WE HAVE NO ONE IN THE VICINITY WILLING TO TESTIFY TO THE PROBLEM, THE MATTER MAY CONTINUE INDEFINITELY UNTIL WE HAPPEN TO BE IN THE RIGHT PLACE AT THE RIGHT TIME TO WITNESS THE VIOLATION FIRST HAND. WE WOULD RATHER NOT PROLONG THE PROBLEM WITH "HIT OR MISS ENFORCEMENT". TO EXPEDITE A SOLUTION TO THE ANIMAL PROBLEM, COMMUNITY SUPPORT AND COOPERATION IS A MUST. OF COURSE, IF MORE THAN THREE RESIDENTS ARE BEING DISTURBED BY THIS MATTER, WE WOULD BE HAPPY TO SUPPLY YOU WITH AS MANY AFFIDAVITS AS YOU CAN USE.

### **DO THE AFFIDAVITS HAVE TO BE NOTORIZED?**

YES, BUT TO MAKE IT MORE CONVENIENT FOR YOU TO DO THIS, ALL OF THE ANIMAL CONTROL OFFICERS ARE NOTARY PUBLICS AND CAN NOTARIZE THESE DOCUMENTS FOR YOU AND YOUR NEIGHBORS IF SIGNED IN FRONT OF THEM.

### **DO I HAVE TO MAIL THESE FORMS INTO ANIMAL CONTROL WHEN THEY ARE DONE?**

NO. SIMPLY CALL OUR OFFICE AND WE WILL HAVE AN OFFICER COME BY TO REVIEW THE FORMS FOR CORRECTNESS. THEY WILL RETURN THEM TO OUR OFFICE TO BE

INCLUDED AS EVIDENCE IN THE CASE FILE THAT WAS PREPARED TO HELP END YOUR ANIMAL RELATED NUISANCE.

**DO I HAVE TO APPEAR IN COURT IF I FILL OUT ONE OF THESE AFFIDAVIT FORMS?**

NOT NECESSARILY. IF THE PET OWNER IS ISSUED A CITATION FOR VIOLATION OF THE COUNTY ANIMAL LAWS, IN MOST CASES THEY CAN OPT TO PAY A FINE AND AVOID ANY COURT APPEARANCES. HOWEVER, IN THE MORE SERIOUS CASES, SUCH AS HABITUAL VIOLATORS OR SITUATIONS WHICH RESULTED IN PERSONAL INJURY TO PEOPLE OR OTHER ANIMALS, IT IS MANDATORY FOR THE PET OWNER TO GO TO THE COURT TO EXPLAIN MATTERS TO THE JUDGE. IN EITHER CASE, IF THE PET OWNER CLAIMS THEY ARE INNOCENT OF THE CHARGE, THEY CAN REQUEST A FINAL HEARING IN FRONT OF A JUDGE AND THEIR ACCUSERS. IN THAT CASE, YOU AND THE OTHER WITNESSES WHO FILLED OUT AFFIDAVITS WOULD BE SUBPOENAED TO APPEAR IN COURT TO TESTIFY. OUR OFFICER WHO INVESTIGATED THE COMPLAINTS ON YOUR BEHALF WOULD ALSO APPEAR TO TESTIFY. KEEP IN MIND, HOWEVER, THAT FEWER THAN 25% OF CITATIONS RESULT IN COURT ACTION REQUIRING WITNESSES TO APPEAR TO TESTIFY.

**WHAT SHOULD I DO IF THE PROBLEM CONTINUES AFTER YOU ISSUE A CITATION?**

CONTACT THIS OFFICE AGAIN. IF THE SAME EXACT PROBLEM IS RECURRING, WE WILL MOST LIKELY HAND OUT A SECOND SET OF AFFIDAVITS TO GATHER EVIDENCE THAT THE PROBLEM IS STILL CONTINUING. ALTHOUGH IT MAY BE INCONVENIENT FOR YOU AND YOUR NEIGHBORS TO FILL OUT THESE FORMS AGAIN, IT WILL ALLOW FOR THE ISSUANCE OF YET ANOTHER CITATION, WHICH CAN CARRY A HIGHER FINE THAN THE FIRST ONE. KEEP IN MIND THAT THE COUNTY ANIMAL ORDINANCE STATES, IN PART, "IF SUCH VIOLATION IS A CONTINUING VIOLATION, EACH DAY THE VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE."

*IF YOU HAVE ANY QUESTIONS REGARDING THE USE OF THESE FORMS, PLEASE CALL:*

PASCO COUNTY ANIMAL CONTROL  
19640 LAKE PATIENCE ROAD  
LAND O' LAKES, FLORIDA  
34639

(813) 929-1212  
(727) 834-3216  
(352) 521-5194

## ANIMALS CREATING A NUISANCE

### PASCO COUNTY CODE OF ORDINANCES - CHAPTER 14 Section 14-98

Animal Control recognizes that most nuisance complaints will be investigated on a case by case basis. No complaint affidavit will automatically result in the issuance of a citation. Complaints will be investigated by an Animal Control Officer upon receipt of a Citizens Service Request. Animal Control Officers will investigate the complaint with the following guidelines in mind:

Frequent or habitual barking is generally defined as barking, howling, or making of noise between the hours of 11:00 p.m. and 6:00 a.m. or for periods of the (10) minutes or more at any time. The complaint must be specific as to the time and date. The Animal Control Officer will pay specific attention to the question of provocation.

Animal Control Officers will question the complainants and determine their location in regard to the incident.

With regards to nuisances caused by loose dogs, photographic evidence taken by the complainant will be considered as evidence of the violation if properly documented with the date of violation, dog owners name and the name of the photographer on the back of each photo.

The owner of the animal causing the alleged nuisance will be notified of the complaint against him. The owner will be issued a written warning notice to correct the nuisance situation within seventy-two (72) hours.

If after seventy-two (72) hours, the nuisance is not corrected, the complaining party should begin documenting the violation(s) through use of the NUISANCE ANIMAL AFFIDAVIT form printed on the back of this document.

All complaints are public records and may be examined upon request.

Prior to filling out an affidavit, be advised that if a citation is issued and is contested by the pet owner, you may be subpoenaed to appear to testify in a Court of Law. When completing an affidavit, make sure that all of the information is complete. Record as many instances as possible. It is very important that the dates, times, etc. be filled out correctly and accurately. This involves being specific about the exact dates and times that the violation occurred. You must include the length of time involved if the complaint concerns a barking dog violation. This is very important to the case, as the courts will pay attention to the accuracy of the affidavit to determine the credibility of your testimony. The following is an EXAMPLE of a barking affidavit that is either INCORRECTLY, CARELESSLY, OR SUSPICIOUSLY filled out:

Date	Time	Location of violation	Length of time (hours and minutes)
3/14	2:00pm	Owner's back yard	1 hour
3/17	5:30pm	Owner's front yard	3 hours
3/18	1:00am	Running loose in street	1½ hours

Please note that all of the "Time" blanks start on the hour and the half hour. Also note that the "Length of Time" blanks are always a nice round number. An affidavit like the one above looks like they made it up, and would be unacceptable. A correctly filled out affidavit would look more like this:

Date	Time	Location of violation	Length of time (hours and minutes)
3/14	2:00pm	Owner's back yard	47 minutes
3/17	5:30pm	Owner's front yard	2 hours, 37 minutes
3/18	1:00am	Running loose in street	1 hour, 19 minutes

We cannot stress how important it is that accurate records be kept. In fact, the County Attorney's Office says these records are essential for prosecution and enforcement.

## NUISANCE ANIMAL AFFIDAVIT

Before me the undersigned authority, personally appeared on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
 Name of Complainant : \_\_\_\_\_ Work Phone \_\_\_\_\_  
 Address of Complainant : \_\_\_\_\_ Home Phone \_\_\_\_\_  
 He/she is personally known to me or has produced \_\_\_\_\_ as  
(Type of Identification)

identification and executed the following affidavit and who sayeth :

That (description of the animal (s) ) \_\_\_\_\_

being owned, harbored or kept at (address where animal (s) kept) \_\_\_\_\_

by (owner or harbored of animal (s) ) \_\_\_\_\_

who lives at (address if different than above) \_\_\_\_\_

Did create a nuisance by : (check one per affidavit)

- \_\_\_\_\_ Frequent barking, howling, or making of noise between the hours of 11:00 p.m. and 6:00 a.m.
- \_\_\_\_\_ Frequent or continuous barking, howling, or making of noise for periods of ten (10) minutes or more at a time
- \_\_\_\_\_ Digging into, breaking, or otherwise injuring or damaging shrubbery, trees, lawns, garbage, stored materials, or public or private property
- \_\_\_\_\_ Frequent or habitual depositing of excreta on property not belonging to the owner of the animal without the property owner's consent
- \_\_\_\_\_ The running at large of a dog upon public or private property

On the dates, time(s), and at the location(s) listed below (include length of time for barking violations)

Date	Time	Location of violation	Length of time (hours and minutes)

By my signature below, I hereby swear or affirm that to the best of my knowledge, all the information contained in this document is true. I also swear or affirm that the animals behavior described above caused unreasonable annoyance / discomfort to myself and / or my family to such an extent as to deny me the ability to enjoy my own property and / or my right to peace and quiet.

Sworn or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
 Signature of complainant / affiant

\_\_\_\_\_  
 (Signature) Notary Public, Commission No. \_\_\_\_\_  
 My commission expires: \_\_\_\_\_