

Department of Public Safety  
Division of Animal Care and Control

7100 Belvedere Road  
West Palm Beach, FL 33411  
(561) 233-1200  
FAX: (561) 233-1234  
[www.pbcgov.com/pubsafety/animal](http://www.pbcgov.com/pubsafety/animal)



Palm Beach County  
Board of County  
Commissioners

Karen T. Marcus, Chair

Tony Masilotti, Vice Chairman

Jeff Koons

Warren H. Newell

Mary McCarty

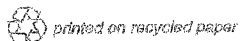
Burt Aaronson

Addie L. Greene

County Administrator

Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"



Enclosed are the animal nuisance complaint forms/affidavits. These forms are a tool which we can use to deal with your problem of loose, unattended owned dogs, threatening or otherwise. Completion of these affidavits will make you Animal Care and Control's witness for the court. This will allow you, your day in court, when the owner is issued a citation for violation of the nuisance/at large ordinance with you as a witness. These forms will be used as evidence, so it is important that they be fully and accurately completed with as many specific details as possible. (Use the reverse side if needed.) Incomplete forms cannot be used and will result in substantial delays. The Palm Beach County ordinance 98-22 requires a minimum of two notarized affidavits from unrelated persons in separate dwellings. It is advantageous to have more than two when possible. If you need additional copies they may be photocopied prior to completion.

Complete, have notarized and return to:  
Palm Beach County Animal Care & Control  
7100 Belvedere Road  
West Palm Beach, FL. 33411-3306  
attn: Field Operations

The owner will be sent a violation letter and information pertaining to the leash law and shot/tag requirements with instructions to comply with the law immediately. If the nuisance continues and is witnessed by the two affiants and the you notify Animal Care & Control, citations may be issued. Your appearance in court will be required if a citation is contested.

If you have any questions or need additional information, call the Field Operations Coordinator at 233-1213. (South County use 276-1344)

938leash

## **SECTION 5. ANIMALS CREATING NUISANCES.**

A. The owner having control or custody of any dog or cat which:

1. Habitually barks, whines, howls or causes other objectionable noise resulting in a serious annoyance, shall be deemed to be committing an act in violation of this section; or

2. Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property, chasing persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property, shall constitute a public nuisance.

B. An animal control officer shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint provided by the Division, signed by two (2) unrelated county residents living in separate dwellings in the close vicinity of the alleged violation. For the enforcement of paragraph A.2 herein, one of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.

C. An animal control officer, upon the receipt of two (2) sworn affidavits of complaint as provided for in paragraph B herein, may issue a citation to the owner or custodian of any animal alleged to be in violation of this section.

D. It is declared by the Board that animals which bite, attack or threaten to bite human beings constitute a public nuisance.

1. Any animal which has bitten, attacked or threatened to bite or attack a human being while off the property of the owner may be impounded by the Division. Such animal may be removed from the owner's property and impounded unless the animal is under the direct control of its owner or confined in a humane manner within a secure building or enclosure unable to come into contact with any person(s).

2. Any costs incurred by the Division related to any animal impoundment pursuant to this section shall be reimbursed to the Division prior to release of the impounded animal.

3. The owner of any animal impounded pursuant to paragraph D.1 herein shall be mailed notice of said impoundment by certified mail or notified by personal service by an animal control officer before the end of the following business day of the impoundment, unless the owner has claimed the impounded animal.

4. If the address of the owner of any animal impounded pursuant to paragraph D.1 herein is unknown to the Division, or the addressee of a certified letter mailed pursuant to paragraph D.3 herein fails to claim an impounded animal within five (5) days of the mailing of the certified letter, or receipt of personal service, the Division shall cause notice of the animal's impoundment to be published once in a newspaper of general circulation within the county informing any concerned person of the impoundment between six (6) and fifteen (15) days of the impoundment.

5. If an animal impounded pursuant to paragraph D.1 herein is not claimed within fifteen (15) calendar days from the impoundment, the impounded animal may be disposed of in a manner according to law.

#### **Sec. 4-4. Dog and cat control.**

(a) *Dogs.*

(1) It shall be unlawful for any dog to be off the owner's property (which property is exclusive to the owner and does not include common areas) unless the dog is under the restraint or control of a person by means of a chain, leash or other device or is sufficiently near its handler to be under his direct control and is obedient to that handler's commands or is caged/crated.

(2) It shall be unlawful for an owner to tie, chain, tether or confine by electronic/radio device a dog on the owner's property within five (5) feet of public property, public access, easements, common grounds or the property of another without the consent of the owner of such property.

(b) *Cats.* Unsterilized cats must be confined to the owner's property. Unsterilized cats off the owner's property must be restrained or confined humanely to prevent them from running at large and to protect them from injury and disease.

(c) A fine schedule for violations of this section shall be established by the board by resolution. As a means to encourage more owners to sterilize dogs/cats, the following additional procedure has been implemented: When a first offense citation is issued to an owner of an unsterilized dog or cat for violating paragraph (a) and/or paragraph (b) herein, the division is authorized to hold the citation for fifteen (15) working days, allowing time for the owner to have said animal sterilized. If proof of sterilization is presented to the division in this time period, the citation shall not be processed through the county court system, thus waiving the citation fine for the owner. If the division is not presented proof of sterilization within fifteen (15) working days, the citation will be processed.

(d) Registered feral cat colonies in compliance with section 4-8, Keeping/adopting stray animals and maintaining feral cats, are exempt from this section.

*Direct control* shall mean immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs, dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, direct control shall include oral or visual control if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed one hundred (100) feet. Oral control shall at all times prevent the animal from running at large or otherwise violating the provisions of this chapter.

*Dangerous dog* shall mean any dog that according to the records of the division:

- (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property.
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property.
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
- (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the division.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
PUBLIC SAFETY DEPARTMENT ANIMAL CARE AND CONTROL DIVISION



**FORMAL AFFIDAVIT COMPLAINT MUST BE NOTARIZED**  
**This Affidavit expires 45 days from receipt of 2 Affidavits.**

7100 Belvedere Road  
West Palm Beach, FL 33411  
(561) 233-1213  
South County (561) 276-1344, Ext. 213

State Road 715  
Pahokee, FL 33430  
(561) 924-5656

**PALM BEACH COUNTY ORDINANCE 98-22, SECTION 5: ANIMALS CREATING NUISANCE**

**A. The owner having control or custody any dog or cat which:**

- 1) habitually barks, whines, howls or causes other objectionable noise resulting in a serious annoyance to a neighboring resident...; or
- 2) disturbs the peace by habitually or repeatedly destroying, or soiling public or private property, chasing of persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of said property...

Shall be deemed to be committing an act in violation of this section.

**B. An Animal Care and Control Officer shall investigate an alleged violation of this section**

Upon receipt of two (2) sworn affidavits or complaint provided by the Division signed by two (2) unrelated Palm Beach County residents living in separate dwellings in the close vicinity of the alleged violation. Said affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.

The undersigned swears to have just and reasonable ground to believe and does believe that the animal(s) described as: \_\_\_\_\_

has been a nuisance by (explain in detail): \_\_\_\_\_  
\_\_\_\_\_ (use back of form if needed)

beginning \_\_\_\_\_ (mm/dd/yy) and continuing to \_\_\_\_\_ (mm/dd/yy).

The animal's owner: \_\_\_\_\_

residing at \_\_\_\_\_

is thereby in violation of **Palm Beach County Ordinance 98-22, Section 5.**

How do you know the nuisance animal belongs to the above person? \_\_\_\_\_

Have you actually witnessed the violations?       Yes                       No

Have you discussed the problem with the owner?       Yes                       No

If yes, with what results? \_\_\_\_\_

**I swear the above is true to the best of my knowledge.  
I understand I may be called as a witness in a court of law.**

\_\_\_\_\_  
PRINT FULL NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
HOME TELEPHONE                      WORK TELEPHONE

\_\_\_\_\_  
SIGNATURE

Note: If Citations are issued, you will be called to court as a witness.

STATE OF FLORIDA - COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me

this \_\_\_\_\_ (date)

by \_\_\_\_\_ who is

personally known to me or has provided \_\_\_\_\_  
as identification and who did (did not) take an oath.

\_\_\_\_\_  
Signature                      Commission No.

\_\_\_\_\_  
Name of notary (typed, printed or stamped)