

Sec. 4-42. - Nuisance.

Upon personal investigation, receipt of a complaint from a law enforcement officer or receipt of a formal complaint, as defined herein, an animal control officer shall have reasonable cause to determine that a violation of this section has occurred. If the makeup of the neighborhood is such that obtaining a formal complaint from three (3) or more residents is not possible, a formal complaint from any number of affected individuals, who reside in separate dwellings, in the vicinity of the alleged nuisance shall suffice. The following occurrences shall constitute a violation of this section:

- (1) It shall be unlawful for an animal owner to permit an animal, either willfully or through failure to exercise due care and control, to bark, cry, howl, screech, squawk, scream, whine or make any other objectionable noise, in a continuing or repeated manner, so as to disturb the comfort, peace, quiet or repose of any person residing in the vicinity.
- (2) Every animal owner shall be responsible for exercising due care and control over his or her animal so as to prevent same from causing physical injury to any person or from damaging, harming or destroying the property or animals of another. It shall not be a violation of this section in an animal is reacting to a person unlawfully on its property or is protecting its owner or keeper from an unjustified attack or assault.
- (3) Every animal owner, the operator of any kennel, cattery or the operator of any commercial animal facility, excluding commercial livestock operation, shall exercise due care and control so as to maintain the animals, or the premises upon which the animals are kept, in such a manner as to prevent the emission of offensive odors which disturb the comfort, peace or repose of any person residing in the vicinity.
- (4) Every animal owner shall prevent his or her animal from soiling, defiling, urinating or defecating on any private or public property, other than that of the owner, without express or implied consent. The owner of an animal shall be responsible for the removal of any solid excreta deposited by his or her animal on public walks, in recreational areas and on private property, other than his or her own.
- (5) Allow a dog to run at large on any public or private property without the consent of the property owner or resident. All dogs, when not on the premises of the owner or on the premises of another person who consents thereto, shall remain under the direct control of a person competent to control such dog, at all times, or shall be kept within a suitable enclosure sufficient to prevent escape. Police dogs, as defined by F.S. § 843.19, shall be exempt from the requirements regarding direct control when such dogs are engaged by a law enforcement agency in an official capacity.
- (6) Fail to confine a female dog or cat which is in heat (estrus) so that such animal is not accessible to any male dog or cat, except for controlled and intentional breeding purposes.
- (7) It shall be a violation of this section for the owner or keeper of an animal which is killed on a public or private right-of-way to fail to properly dispose of same. If the owner or keeper of the animal can not be determined, it shall be the responsibility of the agency or owner charged with caring for or maintaining said right-of-way to properly dispose of the subject animal.
- (8) When an animal dies on public or private property, it shall be the responsibility of the animal owner or the owner of said property to remove and dispose of said animal immediately. Should the owner not be aware of the presence of the deceased animal, the following procedures should be followed:
  - a. When a dead animal is found on public property, the owner of said animal shall remove and dispose of same upon notification by the department, agent of the county or any law enforcement officer. It shall be a violation of this section if the owner of said animal should fail to remove same within a reasonable amount of time. In such an event, the county shall remove and dispose of the animal and charge the owner, if known, with the cost of removal and disposal.

- b. When a dead animal is found on private property, the owner of said animal, or the owner of the property, shall remove and dispose of same upon notification by the department, an agent of the county or any other law enforcement officer. It shall be a violation of this section if the owner of said animal, or the owner of the property, should fail to remove same within a reasonable amount of time. In such an event, the county shall remove and dispose of the animal and charge the owner, if known, with the cost of removal and disposal, or if unknown, the owner of the property.
- (9) Slaughter of livestock and chickens is prohibited on any residentially zoned property within the Urban Growth Boundary, as defined in the Osceola County Comprehensive Plan. Nothing herein shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Ritual slaughter and the handling or other preparation of animals for ritual slaughter is exempt from the regulations herein.

(Ord. No. 03-03, § 17, 10-20-02; Ord. No. 2014-21, § 2, 1-6-14; Ord. No. 2014-128, § 2, 7-7-14)