

QUESTIONS AND ANSWERS REGARDING “NUISANCE AFFIDAVITS”

WHY DID ANIMAL SERVICES GIVE US AN AFFIDAVIT?

YOUR RECENT COMPLAINT ABOUT ANIMAL PROBLEMS IN YOUR IMMEDIATE NEIGHBORHOOD HAS RESULTED IN AN ANIMAL CONTROL OFFICER INVESTIGATING THE SITUATION. SHOULD THE OFFICER BE UNABLE TO WITNESS THE REPORTED VIOLATION, YOUR COMPLAINT WILL STILL BE TAKEN SERIOUSLY. WE WOULD LIKE TO FIND A SOLUTION TO YOUR PARTICULAR PROBLEM AND A NUISANCE AFFIDAVIT WILL HELP US DO JUST THAT.

WHAT ELSE WILL ANIMAL SERVICES DO?

IF YOU SUPPLIED ANIMAL SERVICES WITH THE NAME OR ADDRESS OF THE OFFENDING PET’S OWNER, THE OFFICER WILL GO TO THE SOURCE OF THE PROBLEM AND ISSUE 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 THE WARNING IS SERVED, THE PROPER USE OF THE AFFIDAVIT WILL ASSIST US IN THE NEXT STEP OF ENFORCEMENT. THIS STEP MAY 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 NEIGHBOR’S RIGHTS TO ENJOY THEIR PROPERTY WITHOUT THE DISTURBANCE CAUSED BY LOOSE, BARKING OR NUISANCE ANIMALS.

WHY DO WE HAVE MORE THAN ONE FORM?

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 COMPLETED BY THREE SEPARATE HOUSEHOLDS BY PERSONS WILLING TO TESTIFY IN COURT. WITHOUT WITNESSING THE ACTS OURSELVES, IF WE HAVE NO ONE WILLING TO TESTIFY, THE MATTER MAY CONTINUE INDEFINITELY UNTIL AN ANIMAL CONTROL OFFICER WITNESSES THE VIOLATION. WE WOULD RATHER NOT PROLONG THE PROBLEM WITH “HIT OR MISS ENFORCEMENT”. TO EXPEDITE A SOLUTION, 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 MULTIPLE AFFIDAVITS.

DO THE AFFIDAVITS HAVE TO BE NOTARIZED?

YES, BUT TO MAKE IT MORE CONVENIENT, ALL OF THE ANIMAL CONTROL OFFICERS ARE NOTARY PUBLICS. THEY CAN NOTARIZE THESE DOCUMENTS FOR YOU AND FOR YOUR NEIGHBORS. THE DOCUMENTS *MUST* BE SIGNED IN FRONT OF THE OFFICER.

DO I NEED TO MAIL THE COMPLETED FORMS TO ANIMAL SERVICES?

NO. SIMPLY CALL OUR OFFICE AND WE WILL HAVE AN OFFICER COME BY TO REVIEW THE FORMS FOR CORRECTNESS. THE OFFICER WILL RETURN THE FORMS TO OUR OFFICE AND INCLUDE THEM AS EVIDENCE IN THE CASE FILE TO HELP END YOUR ANIMAL RELATED NUISANCE.

DO I HAVE TO APPEAR IN COURT IF I COMPLETE AN AFFIDAVIT FORM?

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. IN MORE SERIOUS CASES, SUCH AS HABITUAL VIOLATORS OR SITUATIONS RESULTING IN PERSONAL INJURY TO PEOPLE OR ANIMALS, IT IS MANDATORY FOR THE PET OWNER TO GO TO THE COURT. 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. SHOULD THAT HAPPEN, WITNESSES THAT COMPLETED AFFIDAVITS WILL BE SUBPOENAED TO APPEAR IN COURT TO TESTIFY. THE INVESTIGATING ANIMAL CONTROL OFFICER WILL ALSO APPEAR TO TESTIFY. KEEP IN MIND 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 ANIMAL SERVICES ISSUES A CITATION?

CONTACT THIS OFFICE AGAIN. IF EXACTLY THE SAME PROBLEM IS RECURRING, WE WILL MOST LIKELY HAND OUT A SECOND SET OF AFFIDAVITS TO GATHER EVIDENCE THAT THE PROBLEM IS 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. 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:

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