



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3219, **Version:** 1

Subject:

Proposed Amendments to Section 14-57, Brevard County Code, pertaining to the creation of a nuisance from animal noises.

Fiscal Impact:

None.

Dept/Office:

County Attorney's Office on behalf of District 4

Requested Action:

It is requested that the Board of County Commissioners approve the proposed ordinance amending Chapter 14, Article II of the Brevard County Code to modify the nuisance provisions in Section 14-57, Brevard County Code, to, among other things, shorten the duration in which animal noise(s) constitutes a nuisance.

Summary Explanation and Background:

On August 3, 2021, the Board approved legislative intent and permission to advertise amendments to Section 14-57, Brevard County Code, whereby certain animals that make sounds common to that respective species for a persistent and continuous period of 30 minutes or longer, constitutes a nuisance. The County has received concerns pertaining to loud sounds emanating from animals that disturb the peace, annoy citizens, and interfere with the rights of individuals to enjoy life and property. In order to best address the harm and negative impacts caused by prolonged animal sounds that disturb the peace, it is in the best interest of the citizens of Brevard County to reduce the time period established in Section 14-57 in which a nuisance is created by persistent and continuous animal noise(s).

The proposed ordinance will reduce the time period in which a nuisance is created from 30 minutes to 15 minutes. Each separate occasion shall be considered a separate violation to be penalized in accordance with the Brevard County Code of Ordinances, including Section 14-79. In instances where a nuisance complaint is investigated by the animal control authority, there must be personal knowledge of the nuisance by the animal control officer, or affidavits from different parties residing in close proximity to the alleged nuisance. In some instances, one affidavit will be sufficient to warrant an investigation where only one party lives within a 1,000-foot radius of the property where the alleged violation occurred.

Clerk to the Board Instructions:

Upon approval by the Board, execution by the Chair and attestation by the Clerk, file the ordinance with the Department of State as required by law within the 10 day deadline.