

LEGISLATIVE #

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Chapter 5 - ANIMAL CONTROL [34]

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Sec. 5-1. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Animal shall include all non-human species of animal.

At large, when applied to animals, shall mean that the animal is off the property of its owner and not under the direct control of a competent person, by leash, cord, chain, or other physical device.

Fowl shall include roosters, other chickens when there are more than two, pea fowl, and like animals (Galliformes); ducks, geese, and like animals (Anseriformes); emus; rheas; and ostriches (Struthio camelus). A chicken that crows shall be considered a rooster.

Livestock shall include pigs and pig-like animals (Suidae); rabbits and rabbit-like animals when there are more than two (Leporidae); cows, sheep, goats and like animals (Bovidae); and horses and horse-like animals (Equidae).

Owner shall mean any person owning, keeping, or harboring an animal.

Pet shall mean any animal kept primarily for personal pleasure or companionship rather than to provide labor, food, or products for humans, or for other commercial or utilitarian purposes.

(Ord. No. 950797, § 1, 10-23-95; Ord. No. 000337, § 1, 10-9-00)

Sec. 5-2. - Animals as a public nuisance.

- (1) No owner or keeper of any animal shall permit the animal to become a public nuisance. The following can become a public nuisance and the owner or keeper of the animal can be cited for any instance of:
 - (a) An animal found to be at large.
 - (b) An animal damaging, or depositing fecal matter on, the property of others.
 - (c) An animal molesting or biting any person, unless that person is trespassing on the property of the owner or keeper of the animal or that person provokes the animal.
 - (d)

An animal creating odors that are detectable and offensive to a person of reasonable sensibilities on nearby property, or attracting flies detected on nearby properties.

- (e) An animal attacking another domestic animal.
 - (f) An animal making sounds that are a violation of Chapter 15 of this Code (Noise).
- (2) Repeated instances of violations of subsection (1) adversely affect the rights of nearby residents to the quiet enjoyment of their property and therefore constitute a public nuisance. To this end:
- (a) If there are two or more citations given for violation of any of the subsections (1)(a) through (f) within a 12-month period on the same premises, the city attorney, if there are reasonable grounds for the action, is authorized to seek an injunction in the name of the city from the appropriate court to abate the nuisance.
 - (b) Adjudication of guilt, withholding of adjudication, or plea of no contest (including, but not limited to, payment of fine) in a 12-month period for two violations of any of the subsections (1)(a) through (f) on the same premises, plus a third such citation within the 12-month period, shall be presumptive evidence of a public nuisance. However, the judge may find a public nuisance without such presumptive evidence based on other evidence presented.
 - (c) The judge may fashion an injunction that will abate the particular nuisance being found, up to and including removal of one or more animals from the premises.
 - (d) This remedy shall be in addition to any other penalties provided by this Code of Ordinances or the Alachua County Ordinance on Animal Control.

(Ord. No. 950797, § 1, 10-23-95; Ord. No. 991309, § 1, 10-23-00)

Sec. 5-3. - Animals in residential areas.

- (a) No person shall keep or harbor any animal for use other than as a pet within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, in the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.
- (b) Subsection (a) notwithstanding, no person shall keep or harbor fowl or livestock within any residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as defined in section 30-41(a)(4) of this Code, within the city, except if such use is allowed by right or special use permit, or if such use existed as a legal non-conforming use on October 23, 1995.

(Ord. No. 950797, § 1, 10-23-95; Ord. No. 000337, § 2, 10-9-00)

Sec. 5-4. - Bird and game sanctuaries.

- (a) Except as provided in subsection (b) of this section, the area within the corporate limits of the city is hereby established as a bird and game sanctuary wherein it shall be unlawful for any person to hunt, kill or take any animal, except as provided below.
- (b) Non-commercial hunting, killing or taking of animals for food or sport shall be allowed within the bird and game sanctuary under the following conditions:
 - (1) The hunting may occur only on land zoned AGR (agriculture), as defined in section 30-72 of this Code.
 - (2) No hunting shall occur within 2,000 feet of land not zoned AGR (agriculture). Roads or other public rights-of-way surrounded on all sides by land zoned AGR shall be considered as land zoned AGR for the purposes of this section.

- (c) This restriction shall not apply to uses allowed by right or special use permit under the Land Development Code, provided all conditions of the code are met.
- (d) Animals posing a danger to the health or safety of humans or other animals may be hunted anywhere within the city limits, by an authorized city, county or state employee or officer.

(Ord. No. 950797, § 1, 10-23-95)

Sec. 5-5. - Enforcement; penalty.

- (a) Citations may be issued for violations of this chapter by any enforcement officer designated by the city manager.
- (b) Penalties for violation of the provisions of this chapter shall be as prescribed in the Civil Citations division of Chapter 2 of this Code.

(Ord. No. 950797, § 1, 10-23-95)

Sec. 5-6. - Relationship to county ordinances.

The provisions of this chapter shall be supplemental to the provisions of the Alachua County Code of Ordinances on Animal Control. In the event of direct conflict between a provision of the Alachua County Code of Ordinances and this chapter, the provisions of this chapter will apply.

(Ord. No. 950797, § 1, 10-23-95)

FOOTNOTE(S):

⁽³⁴⁾ **Editor's note**— Ord. No. 950797, § 1, adopted Oct. 23, 1995, created Ch. 5 pertaining to animal control. Section 1 of Ord. No. 3914, adopted Oct. 18, 1993, repealed former Ch. 5, which pertained to animals and consisted of §§ 5-1—5-16 and 5-31—5-37. Chapter 5 was derived from §§ 5-1—5-14.1 and 5-16—5-24 of the 1960 Code and Ord. No. 2906, § 3, adopted 9-19-83; Ord. No. 3198, §§ 1—4, adopted 3-17-86; Ord. No. 3452, § 1, adopted 8-8-88; Ord. No. 3609, § 1, adopted 4-2-90; Ord. No. 3699, § 1, adopted 3-4-91; Ord. No. 3759, § 1, adopted 4-6-92; and Ord. No. 3775, § 1, adopted 5-18-92. [\(Back\)](#)

⁽³⁴⁾ **Cross reference**— Nuisances, Ch. 16. [\(Back\)](#)