



TANKEL LAW GROUP

REPRESENTING COMMUNITY ASSOCIATIONS

Association Self-Help for Nuisance Dogs

Pets are a ubiquitous part of living in homeowner and condominium associations. While there was once a time when pets, primarily dogs, were highly restricted in associations, today many associations permit dogs as they have become more commonplace and communities have become more friendly to life with four legged friends. However, not all dogs are “good dogs.” When a dog (or cat or bird, see Hillsborough and Pasco County below) creates a nuisance, typically through incessant barking, homeowners and unit owners often turn to the Board of Directors for relief.

An association’s declaration will typically have provisions forbidding “nuisances.” Such a term is rarely defined and can be difficult to enforce. Though Florida Statutes have mediation and arbitration provisions which can be enforced through court orders, the process is slow and offers little relief to those suffering from non-stop barking.

To obtain peace and quiet, we recommend a multi-prong approach to dog barking, including self-help methods associations can take while the Tankel Law Group works to enforce the association’s declaration and rules.

Counties throughout the State have recognized the frustration of those forced to endure endless barking. Local government ordinances now include provisions to allow individuals to easily file complaints under certain circumstances. If the proper steps are taken, counties may impose fines of up to \$500 for nuisance dogs. As an added benefit, putting the tools in individuals’ hands helps alleviate the pressure on Boards of Directors to solve barking dog problems. Those individuals seeking relief must be prepared to document the nuisance and file an affidavit attesting to the following:

- **Hillsborough County** - “A nuisance animal that barks, **meows**, whines, or howls non-stop for 20 minutes or longer with less than 20 seconds of interruption during that 20 minute time period.”
- **Pinellas County** - “Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances. Noises that, on at least

two separate dates during a three-day period, are produced for more than one sustained period of at least 15 minutes over the course of eight hours, shall be considered excessive for the purpose of this definition.”

- **Pasco County** - “It shall be a violation of this chapter for any person who owns, keeps, or harbors a dog **or bird**, or any person charged with the care, custody, or control of any dog or bird to fail to exercise sufficient care and control of their dog or bird, to prevent it from becoming nuisance.”
“Frequent or continued barking, frequent or continued howling, or making frequent or continued sound or noise, between the hours of 11:00 p.m. and 6:00 a.m., with the exception of dogs housed at commercial businesses.” “Frequent or continued barking, frequent or continued howling, or making frequent or continued sound or noise for periods of ten minutes or more, at any time, with the exception of dogs housed at commercial businesses.”
- **Duval County** - “Barking habitually, or by making other objectionable animal noises habitually; or by doing any other thing habitually which is so offensive as to create a nuisance.”
“At least two separate occurrences within a time period of no more than one month; except that barking habitually, or making other objectionable animal noises habitually, means making the sound persistently or continuously for at least 30 minutes occurring at least three separate times within a period of no more than eight hours. For the purposes of this Section, "persistently" or "continuously" shall mean nonstop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time during the 30 minute utterances.”

In addition to the barking time limit provisions, many counties require either multiple complaints by separate individuals, or video evidence to substantiate a violation. Affidavits may be found online for specific counties, and will need to be returned to the proper authority. Providing individuals self-help remedies conserves the associations time and resources, and may be just as effective as legal action.

In conjunction with the steps above, the Tankel Law Group recommends consulting with our office to review the association’s documents and ensure the declaration, rules, and regulations are sufficient to enforce legal action should it be necessary.

Main Office:
1022 Main Street, Suite D
Dunedin, FL 34698
www.TankelLawGroup.com

Satellite Offices by Appointment Only - Jacksonville - Orlando - Tampa
