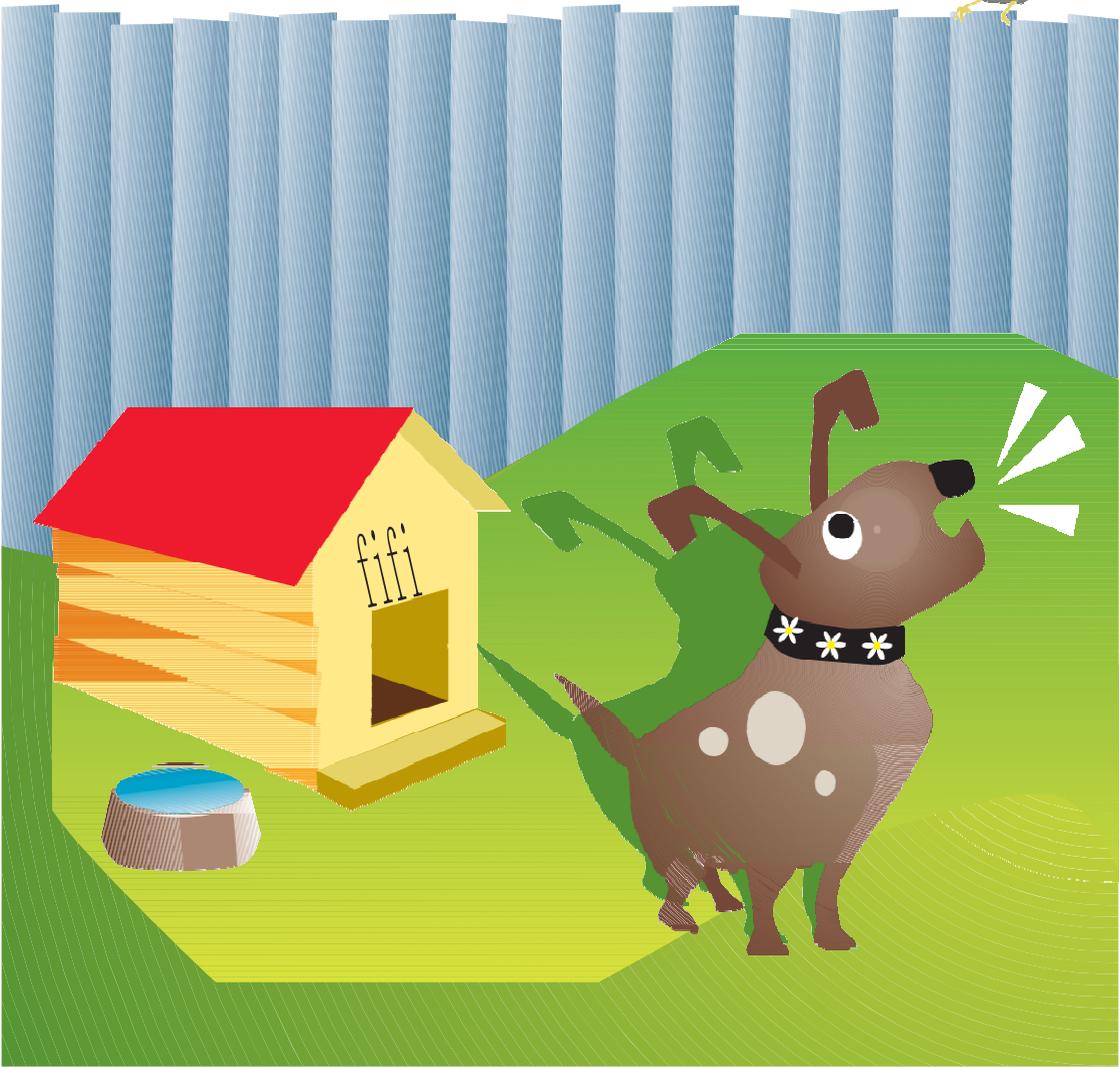


Dealing with a **Barking Dog**





Town Of Dickinson

A community rich in history and family.

Welcome to

Whitney Point NY



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Introduction

Dogs are an important part of our local community, but dogs that bark excessively can become a source of irritation for neighbor's and others using the local environment. Our best friend can, if it barks continually, become an intrusion and creates friction between neighbors.

Dog Control Officer receives numerous complaints regarding nuisance noise from barking dogs. Approaching the dog's owner in a neighborly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

The dog's owner may not realize that the barking is causing an annoyance to other people.

- The dog may only bark excessively when the owner is not home.
- The owner may not hear the barking from various areas within the house.
- The owner may be a very sound sleeper and not woken when the dog barks.



Why dogs bark

Dogs bark for many reasons, and even though they appear to be 'barking for no reason' they are in fact trying to communicate something to their owner or anyone who is willing to pay attention.

The following are some of the main reasons why dogs bark:

- lack of exercise,
- inadequate yard space,
- boredom,
- not enough human companionship,
- inadequate shelter from weather conditions,
- hunger or thirst,
- a medical condition,
- provocation,
- disturbances,
- changes to family structure, or
- Movement outside the dog's property.

Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. Remember, a dog's idea of an 'intruder' may differ to that of the owner. It could include cats, possums, other dogs, or even birds flying across the property.

Whilst it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner's responsibility to train the dog not to bark at 'normal' occurrences such as possums, cats or birds.

Barking at normal movements or noises from adjoining properties should be considered to be unacceptable behavior.

Neighborhood communication

Neighbors can help each other to solve barking problems by communicating to each other their concerns and needs. Neighbors can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dog is barking.

A neighbor may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons. Approach your neighbor and offer this service. It will also help build your relationship with the dog.

Don't forget, the owner of the offending dog may not know the animal is causing a nuisance.

Try the following step to attempt to resolve the issue in a neighborly manner:

Approach the dog's owner when the problem arises and state your case clearly and politely. He or she may not be aware of the barking situation. Provide the dog owner or keeper with a copy of the diary contained in this packet.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing the '**Dear Neighbor**' letter contained on page 15 of this booklet into their letterbox.

In most cases the solution can be found by communication between neighbors and should be sought prior to lodging a complaint with your DCO.

Your legal requirements for court action

In complaints of this nature your DCO can only do what is stated in the Town Code. The only way Dog Control can abate the noise completely is to go to court and obtain a court order.

To take a barking dog complaint to court **YOU** are required, as the complainant, to provide all the information as it is **YOU**, not the Dog Control Officer who will need to convince the judge or justice that the dog is a nuisance.

You must keep a comprehensive diary over a period of time that shows the patterns of the dog's barking behavior. Remember, in a court of law the evidence you give may be subjected to cross-examination.

Dog Control will advise you to take the matter to court if:

- it is fully established that there is a case to answer;
- all avenues for reconciliation of the problems are exhausted; and
- More than one person is prepared to go to court and give evidence as well.

Dog Control will not get involved in any domestic dispute between you and your neighbor. If this happens, Dog Control will inform you to take your own legal action.

If you don't understand what you have just read, then you should seek legal advice.



Lodging a complaint with Dog Control

To lodge a complaint with Your DCO you must first show that **YOU**:

- have spoken with your neighbor and have tried to resolve the problem with them; or
- have delivered the Dear Neighbor Letter.

Then you can start the procedure for lodging a barking dog complaint as follows:

- identify the correct address of the offending dog;
- Complete the 'Barking Dog complaint form' in the center of this booklet.
- keep a diary of the dog's barking habits for a period of two (2) weeks, noting the date, time, weather conditions and duration of barking, and the reason as well as the effect the dog's barking is having on you;
- Forward to your DCO the Barking Dog complaint form and your completed fourteen (14) day diary and either your video or audio cassette with 2 witness forms. (video or audio requirements and directions listed on page 17)
- Continue to keep the diary of the dog's barking habits for a further month. This will monitor whether the problem continues or improves as a result of any action taken.



Dog Control Action

Your Municipal Dog Control officer will:

- Study the diary to establish barking patterns to try to determine the reason for the dog's barking.
- Confirm that other nominated residents are being affected by the dog's barking.
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If the Dog Control Officer believes there is a problem with the dog, the DCO will work with the owner until they believe that the owner has done everything possible to help correct the barking behavior.

Dog Control will only start taking court action if the DCO believes:

1. the owner of the dog is not complying with the DCO request, and
2. the dog is a problem, and
3. the owner of the dog has exhausted all avenues to resolve the problem, and
4. The complainant is prepared to go to court.

If, at any time, Dog Control believes you are not taking an interest in the complaint and have not done what the DCO has requested of you, the complaint will be terminated.

Remember, Dog Control reserves the right at any time to terminate all action under State Government legislation.

IF YOU DON'T UNDERSTAND WHAT YOU HAVE JUST READ, THEN YOU ARE ADVISED TO SEEK LEGAL ADVICE.

How to complete a barking dog diary

Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in court. Please create a detailed diary **over a two-week period** as the example indicated below, and attach the diary with the complaint form.

Example diary entries

| Date | Time barking started | Time barking stopped | Barking for how long? | Reason for barking (For example, person walking past, weather, another animal, aircraft) |
|----------|----------------------|----------------------|-----------------------|---|
| 11/02/05 | 3:00 pm | 3:02 pm | 4 barks | Nobody in street |
| 11/02/05 | 3:10 pm | 3:13 pm | 8 barks | Man walking dog |
| 11/02/05 | 3:18 pm | 3:18 pm | 2 barks | Nobody in street |
| 11/02/05 | 3:28 pm | 3:30 pm | 16+ barks | Children in street |
| 11/02/05 | 3:33 pm | 3:33 pm | 3 barks | Nobody in street |
| 11/02/05 | 3:45 pm | 3:47 pm | 6 barks | Plane passing over |
| 11/02/05 | 3:52 pm | 3:52 pm | 2 barks | Nobody in street |
| 11/02/05 | 3:58 pm | 4:03 pm | 16+ barks | Cat on fence |
| 11/02/05 | 5:22 pm | 5:24 pm | 10+ barks | Neighbor returned home |

This may seem excessive, but remember, you may be required to present this diary before a Justice as accurate and concise evidence.

Forward your completed form and diary to:

**Your Municipal Town Hall
Care of: Dog Control Officer**



Municipal DCO

BARKING DOG COMPLAINT FORM

This document and the log sheet must be completed in full, signed and returned to your Dog Control Officer within seven days of completion.

(PLEASE PRINT ALL DETAILS)

Complainant's name: _____

(Your name)

Address: _____

(Your address)

Contact phone

Home: _____

Business: _____

Mobile: _____

Address of offending dog/s: _____

Description of dog/s: _____

(Color and breed of dog/s)

Have you verified where the barking is coming from? YES/NO

Have you seen the dog/s barking? YES/NO

Have you spoken to the neighbor's about this problem? YES/NO

Have any of your neighbor's mentioned this problem to you? YES/NO

If YES, are they prepared to support your claim? YES/NO

If YES, please supply their name and address and contact details below:

Witness 1 Name: _____

Address: _____

Phone: _____

Witness 2 Name: _____

Address: _____

Phone: _____

I, the undersigned, wish to lodge a formal complaint with the Municipal Dog Control Officer in relation to the dog/s described above which bark persistently to such a degree that it unreasonably interferes with my (peace), (comfort) or (convenience) in my premises. *(Please strike out items not applicable in brackets)*

Signature of complainant: _____

Date: ____/____/____

Privacy Statement:

Dog Control is collecting the personal information on this form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and is subject to Foil as required by law. If you fail to provide the information, no action can be taken in regards to this complaint.

Forward your completed form and diary to:

**You're Municipal Town Hall
Care of: Dog Control**

Dear Neighbor,

You may not be aware but your dog is currently causing a noise nuisance in the neighborhood by barking.



I have discussed this problem with Dog Control which has suggested that as a first step, I express my concern to you, to allow you the opportunity to rectify the situation without recording an official complaint against you with the Dog Control Officer.

On the back of this letter is some information that may be of assistance to you in resolving the problem.

Your co-operation at this stage is all that is needed to avoid this matter progressing any further.

You're Neighbor,

Some simple tips for reducing barking

- Make sure that you do not reward your dog for barking too much.
Don't let the dog inside or give it attention when it barks. Instead, give the dog attention when it is quiet.
- If the dog is barking at people or noises on the other side of a fence, move the dog to another part of the yard, or put up a barrier to keep the dog away from that area.
- If the dog barks at regular disturbances such as children walking to school or rubbish trucks, keep the dog inside or in an enclosed area at these times.
- If the dog races along a path or fence barking at passing distractions, put barriers or obstacles in the dog's way to slow it down.
- Ensure that the dog has adequate exercise and obedience training.
- Make sure that the dog has food, water and shelter from the weather.
- If the dog is barking through gaps and cracks in the fence, fill them in.
- If the dog is barking at people it can see passing by, try blocking the dog's view.
- An anti-barking collar may be useful for some, but not all, barking dogs.
- Teach the dog to stop barking on command. When the dog is barking give a firm command such as 'cease' and call the dog to you. Praise the dog when it stops barking. If the dog will not listen to you, it will need obedience training.

Remember, dogs bark for many reasons. If these simple tips do not help you, seek further advice.

One of the following must also be submitted with this packet:

- **A videotape**(for the purposes of this chapter the "videotape" must be either presented on a standard VHS format videotape, or in a digital format –on a CD or DVD- in a Microsoft Windows Media Player-compatible format), complete with sound or a cellular video clip can be e-mailed to Hillcrest@stny.rr.com
- The video must depict the animal responsible for the disturbance, in the act of causing or making disturbing and unnecessary sounds and/or noises.

OR

An audiocassette (the audio cassette must be a standard audio cassette-a micro- cassette or mini-cassette cannot be submitted or accepted)

Which:

- Includes sounds of the disturbing and unnecessary sounds and/or noises
- If the complainant seeks to submit an audiocassette recording to verify the written complaint, he/she

Must include:

The signed statements of two persons (not related to the complainant) witnessing the making of the audiocassette and attesting that the recording is true and accurate of the above animal(s) described.

Also complainant must include the following:

A description of the approximate distance between the complainant's premises and the offending animal; and a statement by the complainant describing the approximate distance between the audiocassette recorder and the offending animal at the time the recording was made.

