

## BARKING DOG NUISANCE FORM

### Customer Details

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Mobile \_\_\_\_\_

### Dog Owner Details

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Name of Dog(s) \_\_\_\_\_  
(if known)

### Description of Dog(s)

Colour	Breed	Sex
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Please note all personal details will remain confidential.**

I agree to;

1. give full information to the Council as to this matter, and
2. appear in Court and give evidence as a witness to the truth of this report.

Signed \_\_\_\_\_ Date \_\_\_\_\_

### Directions for completing the attached Barking Nuisance Record Forms

**Note: Forms must be completed for a period of 7 consecutive days**

**Step 1** Enter the date when barking occurred (Column A)

**Step 2** Enter the time when barking commenced (Column B)

**Step 3** Enter the time when barking ceased (Column C)

**Step 4** Select **type** of bark (Column D):

1. Howl
2. Whine/Cry
3. Bark – Intermittent (4-5 times per minute)
4. Barking – repetitive (more than 10 times per minute)

**Step 5** Forms **must** be completed for a period of **7 consecutive days**

**Step 6** Please sign the form **before** returning it to Council

The following information will assist us in trying to resolve the noise nuisance.

**Please complete along with Barking Nuisance Record Form and return**

1. Have you approached the dog owner to discuss the problem?  Yes  No

If yes, what action did they take \_\_\_\_\_  
\_\_\_\_\_

If no, why not? \_\_\_\_\_  
\_\_\_\_\_

2. Barking occurs:  Once  Twice  Several times per day

3. Dog barks regularly during the: Day  Morning  Noon  Dusk  
Night  Early  Evening  Late evening

4. Barking may last for: \_\_\_\_\_ minutes \_\_\_\_\_ hours

5. Barking increases when:  Owners leave property  Owners are home

6. Dog is barking at:  People passing property  
 Dogs passing property  
 Neighbours / dog / cat / children  
 Nothing  
 Other \_\_\_\_\_  
\_\_\_\_\_

7. Dog barking is at the:  Front  
 Back  
 Side of fence line  
 Other \_\_\_\_\_  
\_\_\_\_\_

8. When the dog barks it will:  Run along the fence  Front  Back  Side  
 Sit or stand in one spot  
 Other \_\_\_\_\_  
\_\_\_\_\_

9. If more than one dog involved: Does one dog bark more than the other?  Yes  No  
Barking increases when playing/fighting?  Yes  No

Other relevant information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Statement Relating To Alleged Dog Noise Nuisance

Please provide us with a brief statement, in relation to the effect the noise/nuisance is having on you so that we can get a better understanding of the kind of problems that you are encountering with the dog at:

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*(Insert the address of the animal)*

**This statement is necessary in order for council to investigate your report successfully and essential if the matter results in court action.**

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*(Signature of Complainant)*

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*(Date)*

## Do You Have A Dog Noise Problem?

### What can we do to help you?

The Dog and Cat Management Act says that council may take action against a dog owner if their dog persistently interferes with your peace and harmony.

Convincing a dog owner to change his or her pet's habits is not easy, and the more information we have the easier it is to help you.

Sometimes all that is required is for someone from council to talk to the dog owner about the problem, but we need your help to ensure we can give the dog owner as much information about the problem barking as possible.

### Nuisance barking is difficult to deal with for a number of reasons:

Each individual person will have a different view as to what is a noise nuisance. This will vary from the location of the dog to the complainant, noise tolerance level of the complainant and the type and length of barking.

Information supplied by the complainant is based on personal recollection of how the barking affects the individual.

### Nuisance barking can be defined as:

- A dog that:
- regularly barks at every person or dog passing the property or using part of the street, with barking continuing for a period of time;
  - regularly barks, howls or whines for periods in excess of 10 minutes when the owners are absent or ignoring the dog;
  - aggressively rushes, jumps, barks or growls at the fences; regularly barks during the night;
  - regularly barks at the neighbours;
  - barks excessively for no apparent reason.

In certain situations, the customer actions can worsen the dogs barking.

This can be caused by:

- verbally abusing the dog in an aggressive manner;
- hitting the dog or the fence;
- hosing or throwing objects at the dog;
- teasing the dog through the fence (by children or the neighbour);
- a cat entering the dog's property or walking along the fence line.

The customer should consider doing everything within their power to ensure that they or something/someone within their control is not the cause of the nuisance barking.

It is important that the dog noise issue be not due to hostility between two neighbours, a neighbourhood dispute or dislike of the neighbour. The barking nuisance is not to be a form of revenge or retaliation against a neighbour and should be considered in isolation of all other matters.

### Essential steps for council to proceed

The accuracy of information relating to the reason, time, date and duration of barking is crucial if the matter finally needs to go to court. If information collected is not accurate or legitimate, legal action may be lost. Video or audiotaping of a dog is usually not admissible in court.

Correct identification and location of the dog barking is essential. Noise can and will travel in different directions. Ensure the location of the barking dog is correct. Sometimes complainants make the mistake of accusing a dog for nuisance barking when it is really another dog causing the problem.

To help you, please find enclosed the Barking Nuisance Record Form, which you are required to fill in when the barking occurs. Do not try to remember at the end of each day or night, as this will lead to mistakes in the accuracy of the diary. You must remember that the diary is a legal document that could be become evidence in court, as such, be sure to complete the entry correctly.

Guidelines on the form will explain how to complete the form.

**Unless the cover form, record and the statement are completed and signed, we may not proceed further with any investigations or action.**

Additionally, for any formal action to be undertaken, it is helpful if the report is substantiated by another adjoining or nearby resident who is experiencing the same problem. Once the diary is complete, the investigating officer will make enquiries in this regard. If the report cannot be substantiated, we may not take any formal action. This is because we need a minimum standard of evidence to prove a case to a court if needed.

### **So, what happens from here?**

Once you have filled out the forms, return them to the Council.

If sufficient evidence is received, one of the animal management officer's will approach adjoining or nearby residents and the dog owner either in person, by letter or both. The council will advise the dog owner that they are investigating a report and advise them, if required, how to resolve the noise. Council will also contact you at this point.

If the dog owner cooperates then things become a little easier. Depending upon the nature of the problem it may take some time to correct a habit of the dog. We will contact you again after about 14 days to see if the problem still exists (this allows time for behaviour correction).

### **What happens if the dog owner does not cooperate?**

If the dog owner refuses to cooperate, the process becomes quite formal. Council has the power to issue expiations (fines) or serve an order (a legal document) on the dog owner to take reasonable steps to abate the noise. They then have 14 days to indicate their intentions. After this time, we may also give you and other complainants further records to fill out during this period. It is very important that you do so as this may have to be produced as evidence later on. If council do not receive all the records, or if they are not completed, council may not be able to proceed any further.

### **Legal action**

If things have not improved, the council will consider taking legal action. Legal action is not automatic and depends on our assessment of each case. Should court action be necessary, then you may need to appear in court as a witness.

If you do not wish to do this, then Council cannot proceed any further.

It may also take some time to obtain a hearing date at the court. During this period, you must keep an up-to-date record of the noise and the effect it has on you.

Should court action be successful, the council will ask that the court orders the dog owner to seek some special help (usually from a vet or other qualified person) to correct their pet's problem. We may ask the magistrate to order that specific controls be placed on the owner of the dog. Assuming the order is given, and they comply with it, this should have the desired result.

Any further questions please contact the Roxby Council on 8671 0010 during office hours.