



Dealing with a Barking Dog



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Introduction

Glenelg Shire Council frequently receives complaints due to excessive barking particularly in warmer weather.

Before reporting a dog that barks loudly and frequently first try to contact the dog's owner.

Discussing the issue with the dog owner in a neighbourly manner often resolves this type of problem in a timely fashion.

A dog owner may not realise that their dog barking is causing a nuisance to neighbours.

The dog owner may not be home when their dog barks.

The dog owner may be a sound sleeper and does not hear his or her own dog barking.



This information pack outlines the guidelines for your requirements to lodging and dealing with a barking dog complaint.

You may wish to seek legal advice if you do not fully understand what is set out in this document.

Neighbourhood communication

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

Try to establish a relationship with your neighbour and their dog. This may assist with the barking dog issue. You may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons.

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

Try the following steps to attempt to resolve the issue in a neighbourly manner:

1. 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 brochure.
2. If the dog owner is unapproachable or you are not comfortable approaching them, try placing the '**Dear Neighbour**' letter contained within this document into their letterbox.

If the neighbour takes no action or does not agree that a problem exists, the department of Justice offers a dispute settlement service for people who find themselves in a situation of dispute or conflict with another person.

This service uses mediation as a way of settling neighbourhood disputes without expensive legal action. It is a private and free service. The service offers specially trained mediators who will help you both find a workable solution.

Dispute Settlement Centre
4th Floor, 456 Lonsdale Street Melbourne
Phone: 9603 8370 Fax: 9603 8355
Email: dscv@justice.vic.gov.au

In most cases the solution can be found by communicating between neighbours and it is suggested that this be undertaken prior to lodging a complaint with your Council.

Why Dogs Bark

Barking, growling and howling are a dogs' form of communication.



Below are some of the main reasons why dogs bark,

- Boredom
- Guarding its territory
- Loneliness
- Owner inadvertently reinforce the barking
- Strange Noises
- Fear
- It gets easily excited or is highly strung
- Habit
- Thirst & Hunger
- Lack of Exercise
- Lack of companionship
- Weather conditions and shelter

Lodging a complaint with Council

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

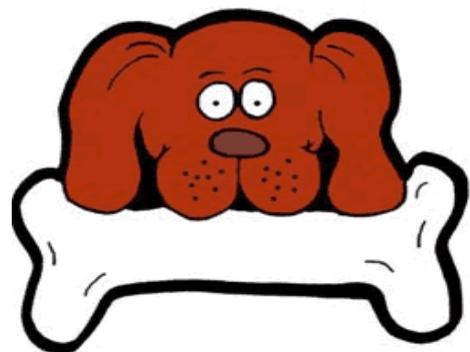
- Have spoken with your neighbour and have tried to resolve the problem with them: or given them a **Dear Neighbour Letter** contained in this pack.

And/or

- Have attempted to resolve the issue through an independent party like the Dispute Settlement Centre of Victoria.

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

- Identify the correct address of the offending dog:
- Complete the "Barking Dog complaint form" in 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 the barking and the reason for the barking as well as the effect the dog's barking is having on you:
- Forward to Council the Barking Dog complaint form and your completed fourteen (14) day diary signed by you and one other neighbour who is affected by the barking: and
- 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.



Your legal requirements for Court action

In complaints of this nature Council can only do what is stated in the Domestic Animal Act 1994. The only way Council 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 information as it is **you**, not the Council who will need to convince a Magistrate 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 behaviour. Remember, in a court of law the evidence you give may be subjected to cross-examination.

Council 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 problem are exhausted, and
- More than one person is prepared to go to court and give evidence as well.

Council will not get involved in any domestic dispute between you and your neighbour. It is recommended that you contact the disputes settlement centre in this instance.

Council will inform you to take your own legal action if it believes this is happening.



Dear Neighbour,

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

As dog owners, we are responsible for the care and wellbeing of our dogs but we sometimes overlook that our dogs can affect other peoples lives as well as our own.

Barking, growling and howling are a dogs' form of communication. These noises when in excess can become a nuisance to people living within a nearby area.

I have discussed the problem with the Glenelg Shire Council who 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 on Council's register.

Your cooperation at this stage is all that is needed to avoid this matter progressing any further.



Obedience train your dog as not to become a nuisance

Whilst dogs will bark to alert their owners of intruders entering the property, it is the responsibility of the owner to make sure they train their dog not to bark at normal occurrences such as cats, possums, birds & other dogs.

Barking at normal movements or noise from adjoining properties should be considered to be unacceptable behaviour.

Thank you
Your Neighbour.

Council Action

Council will appoint a Local Laws Officer who 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 officer believes there is a problem with the dog, the officer will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour.

Council will only start taking court action if the Local Laws Officer believes,

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

If, at any time, Council believes you are not taking an interest in the complaint and have not done what Council has requested of you, the complaint may be terminated and you may have to take your own court action.

Remember, Council reserves the right at any time to terminate all actions under the State Government legislation.



BARKING DOG COMPLAINT FORM

This document and the diary must be completed in full, signed and returned to Glenelg Shire Council, Local Laws Office, P.O. Box 152, Portland 3305 within seven days of completion.

(PLEASE PRINT ALL DETAILS)

Complainant details

Name: _____
Address: _____
Home: _____ Business: _____ Mobile: _____

Offending Dog/s

Address: _____
Description of dog/s: 1. _____
2. _____
3. _____
(Colour 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 neighbours about this problem?	Yes/No
Are you prepared to have the matter mediated?	Yes/No
Have any of your neighbours 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 contact details below:

Witness details

Name: _____
Address: _____
Home: _____ Business: _____ Mobile: _____

I the undersigned, wish to lodge a formal complaint with the Glenelg Shire Council in relation to the dog/s described above which barks 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:

Council 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 will not be disclosed to any other party except as required by law. If you fail to provide the information, no action can be taken in regards to this complaint.



NUISANCE BARKING DOG DIARY File No. _____

<u>Report Completed By</u> Name: _____ Address: _____ Phone Number: _____ Date: _____ Signature: _____	<u>KEY</u>	
	<u>Barking Levels</u> 1 Loud 2 Yapping 3 Whining 4 Muffles	<u>Cause of barking (if known)</u> 1 People (dogs) walking by 2 Owners Out 3 Territorial of property 4 Nothing

Please use a new sheet for each day and ensure that each sheet is signed & dated at the top left of the page.

Please be accurate and precise in recording times.

Times when you were not on the property should also be recorded.

Untidy, unreadable or illegible report sheets will not be accepted.

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.

NUISANCE BARKING REPORT

File No

<u>Report Completed By</u>		<u>KEY</u>	
Name:		<u>Barking Levels</u>	<u>Cause of barking (if known)</u>
Address:		1 Loud	1 People (dogs) walking by
Phone Number:		2 Yapping	2 Owners Out
Date:	Signature:	3 Whining	3 Territorial of property
		4 Muffles	4 Nothing

Please use a new sheet for each day and ensure that each sheet is signed & dated at the top left of the page.

Please be accurate and precise in recording times.

Times when you were not on the property should also be recorded.

Untidy, unreadable or illegible report sheets will not be accepted.

Date	<u>Times</u>		<u>Codes selected from key</u>		<u>Indication of when you were not home to record any barking</u>
	Start	Finish	BARKING LEVELS	CAUSE (IF KNOWN)	
15/6/2005	8.15am	12.00pm	1	Children in street	
16/6/2005	6.30pm	7.00pm	2	Owners returning	
17/5/2005					Was not home
18/5/2005	5.30am	6.15am	1	Unknown	

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