

Dealing with a barking dog problem



Brought to you by

City of
West Torrens

Between the City and the Sea



This information is provided as a guide by the City of West Torrens for residents who experience problems with barking dogs. Further information can be obtained by contacting an Animal Management Officer on 8416 6333.

Contents	Page
Introduction	4
A suggested approach	5
Why dogs bark	6
How you can assist	7
Know the law	7
Neighbourhood communication.....	9
Conflict resolution	10
Successful communication	11
Lodging a complaint with Council.....	11
Neighbourly communication	13
Council request to owner.....	13
Problem solving	13
Wider enquiries	13
Enforcement.....	14
Civil action.....	14

Introduction

Dogs are an important part of our local community but dogs that bark excessively can become a source of irritation for neighbours and others in the local area. Our best friend can, if it barks continually, become an intrusion and create friction between neighbours.

Council receives many complaints about nuisance noise from barking dogs. Approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

- The owner may not realise that the barking is causing an annoyance to others.
- 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 is not woken when the dog barks.

As many dog owners are not annoyed by (or even aware of) the barking of their own dog they can feel victimised if a formal complaint is lodged before they even realise there is a problem.

Council's approach is to encourage neighbourly communication as soon as a barking problem becomes apparent. This gives a dog owner the opportunity to investigate the cause of excessive barking and find an effective solution.

It can also avoid the need for formal processes which are often lengthy, sometimes highly wearing and may involve you in collecting detailed information during many weeks to provide evidence of any breaches of the law.

This booklet provides you with the options for resolving a barking problem.



A suggested approach

All dogs make noise at some time but if you are concerned about the level of noise a dog is making, try to resolve the issue by speaking to the owner first.

Remember, dog owners may not be aware that their dog is causing a nuisance if they are not at home when the barking occurs.

Information

- Understand why dogs bark (see page 6)
- Know how to assist, not escalate the problem (see page 7)
- Know the law and your options (see page 7)



Communication

- Speak to your neighbour (see pages 9-11)
- Place an anonymous flyer in their letterbox (see example page 15)
- Seek mediation through a third party (see page 9)



Formal action

- Lodge a formal complaint with Council (see page 11)
- Seek action through civil courts (see page 11)

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
- separation anxiety
- inadequate shelter from weather conditions
- hunger or thirst
- a medical condition
- teasing or other provocation
- disturbances or distractions
- changes to family structure
- changes to a dog's life or lifestyle
- movement outside the dog's property e.g. in a neighbour'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, rats, other dogs, or even birds or planes flying above the property.

While 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 can be upsetting and is considered to be unacceptable behaviour.

In South Australia, a dog owner can be fined, prosecuted or issued with a legal order to control a dog that creates a noise that is persistent or unreasonably interferes with the peace, comfort or convenience of other people.



How you can assist

You can assist your neighbour to solve their dog's barking by identifying:

- when and how the dog barks
- why the dog is barking (what is happening in the area when the dog barks).

It is important that you ignore your desire to react to the dog by yelling and throwing things, you may actually make it worse. The dog may see you as a threat and you will demonstrate this to be true.

You may also 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 neighbour and offer this service. It will also help build your relationship with the dog and the neighbour.

Know the law

A dog barking persistently can be a breach of the law. Owning or keeping a dog in the community is controlled by state legislation - the Dog and Cat Management Act, 1995. This is what Council uses to deal with dog barking complaints. The owner of a noisy dog can be in breach of this Act.

Briefly, section 45A of the Act makes it an offence if a dog's barking "persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person".

Under the Act, there is no set level or amount of barking which makes the dog a nuisance. Factors taken into account include:

- how often the dog barks
- how long it barks for
- the effect the barking has on neighbours.

If a dog barks only occasionally or at irregular times then it is probably not enough to class the barking as a nuisance. If it can be established that the noise is persistent and it is an unreasonable interference to you (and probably others) there may be grounds to act.

Should you decide to make a complaint to Council, you will need to provide detailed information about the problem. You will be asked to keep a diary for at least seven days and sometimes several weeks on the barking and its impact.

The information will be used to:

- determine whether the dog is a nuisance within the meaning of the law
- diagnose the dog's behaviour, to work out how to resolve the matter
- substantiate your case should a satisfactory resolution not be found
- build a case to pursue legal action to control the dog's behaviour.

Council does not act as advocate for a complainant but plays an independent role in all investigations - gathering facts, working with the dog

owner to find a lasting solution and only if this fails, taking enforcement action such as a Barking Dog (Control) Order.

Council follows a standard procedure (page 12) that ensures your complaint is taken seriously and you are kept informed at each stage of the process. Your report will remain anonymous during the investigation. However, should the matter require court action your dog diary will be required as evidence and you may be required to attend court as a witness.



Neighbourhood communication

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

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

- Be a good neighbour and try to see why the dog is barking - there may be a legitimate reason such as an intruder or stray animal about.
- Approach the dog's owner as early as possible, and preferably when the problem first arises. Most dog owners are responsible and are willing to work with their neighbours. If you approach them

in a friendly manner you may be able to reach a solution without having to take further action.

- State your case clearly and politely (see pages 10 and 11) as the owner may not be aware of the barking situation. Provide any information you have on the nature and possible reasons for of the barking. Consider ways that you may be able to contribute to help resolve the problem.
- If the dog owner is unapproachable or you are not comfortable approaching them, try placing the 'Dear Neighbour' flyer (see example page 15) in their letterbox, along with the booklet 'Barking! Problems Solved'. Copies of these are available from Council upon request.
- If the dog owner takes no action or does not agree that a problem exists, you can contact Southern Community Justice Service which provides trained workers to help fix problems between neighbours.

Southern Community Justice Centre

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 to help neighbours find a workable solution.

The Southern Community Justice Centre may be contacted by:

Phone: 8350 0376 / 8384 5222 / 1300 850 650

Website: www.scjc.com.au

The Centre also provides the guidance in settling your own disputes - this information is provided on pages 10 and 11.

Conflict Resolution

Conflict is a normal part of life. At times conflict can be difficult to resolve. Conflict is often an opportunity for positive change. The following ideas may be helpful:

Step one: Identify the issues you want to resolve. Spend some time thinking about what the key issues are for you and the reasons. List these in the order of importance and urgency.

Step two: Consider what you are prepared to contribute, possible compromise options and what you are asking of the other person.

Try to be realistic and specific regarding your expectations. Seek professional or specialist advice where appropriate.

Step three: If you are going to approach the other person face to face, try and choose the right time and place. Ideally choose a time

when you are not stressed, upset, angry or restricted by time. Also take into consideration the other person's schedule. Consider avoiding late nights, early mornings, meal times or when the other person has just arrived home.

If you are unsure of how to approach the conversation, discuss what you want to say with a friend before approaching the other person. This is important to ensure that what you intend to say is not offensive, aggressive or threatening.

If you are approaching the other person in writing, try to be specific and avoid making accusations that may escalate the issue. Instead concentrate on making proposals for change. Ensure that you are clear in any written communication as to how you want the other person to respond to your letter. Specify whether you would like the response to be by way of telephone, in person or in writing.



Successful Communication

Communication is the key to resolving problems. The following may assist:

Listen carefully. If you are interested in the other person's view, they are more likely to be interested in your concerns.

Avoid blame. No one likes to be blamed or accused of a problem. Aim to say how you feel and what you want to achieve without blaming.

Focus on the problem. Concentrate on how to solve the problem with the other person. Avoid focusing on personal issues.

Be prepared to compromise. Talk about possible options that will suit everyone. Try to be positive and constructive towards reaching a solution.

Take responsibility. Take responsibility for how you are feeling. It may be appropriate to say "I feel stressed when this happens" instead of "You make me angry".

Be courteous. Remember to thank the other person for listening and talking with you to resolve the matter.

Lodging a complaint with Council

Council encourages you to contact your neighbour in the first instance to try and resolve a barking dog issue.

If you believe that the barking is causing a nuisance under the law (page 7) and you wish to make a formal complaint to Council you will need to complete an 'Application for the Abatement of a Barking Dog' form (see example page 16). These forms can be downloaded from Council's website - westtorrens.sa.gov.au - or can be sent to you from Council.

Once Council has received a completed Application Form it will follow the standard procedure described on the next page.

Council's aim is to have genuine cases of nuisance stopped quickly and efficiently and in as informal and neighbourly manner as possible. If this is not possible, Council will continue to investigate and seek a negotiated solution before instituting legally enforceable action.

Neighbours

- Resident speaks to neighbour or sends anonymous flyer (available from Council).
- Residents use mediation services.



Council request

- Written complaint received.
- Owner requested to take voluntary action in seven days.



Problem solving

- Complainant completes a seven day diary.
- Dog owner notified that situation is being monitored.



Wider enquiries

- Complainant completes a further seven day diary.
- Action plan negotiated with owner.
- Seven day diaries sought from other neighbours.



Enforcement

- Senior Council officer determines whether to issue an expiation notice, a Control (Barking Dog) Order or direct prosecution.

Application for the Abatement of Barking Dog forms can be downloaded from Council's website - westtorrens.sa.gov.au. Copies can also be sent to you by contacting Customer Service on 8416 6333.

Neighbourly communication

If you decide to work with your neighbour directly, there is no need to recontact Council. However, you can ask for an Animal Management Officer to contact you if you would like to discuss your options.

Council request to owner

If you decide to submit an Application for the Abatement of a Barking Dog to Council, we will send you an acknowledgement letter and write to the dog owner letting them know we have received a written complaint and giving them the opportunity to modify the behaviour of their dog(s) over the next seven days.

Based on the information you have given us, we may give the owner advice on the sorts of methods that could be effective in controlling their dog.

If we do not hear back from you by the 10th day we will consider that the matter has been resolved and close the file.

Problem solving

If you advise us that the noise problem still exists, we will ask you to start a weekly Barking Dog Diary (see example page 18).

The information you provide in the diary is very important. It will help us decide whether there is a level of nuisance that we can act on. It will also help us to work out why the dog is barking and how to stop it. We will be able to offer more specific advice to the owner on training, housing and other methods likely to control their dog.

We will also notify the owner that Council is continuing to monitor the situation and again request action within seven days. Council will offer to help the owner with their own monitoring of the dog's behaviour.

Wider enquiries

If there is sufficient evidence from your diary and from Council's own observations that a nuisance exists, Council will visit the dog owner to advise them of the next step. Where possible, we will negotiate an action plan with the owner with specific actions and timelines to rectify the nuisance.

At the same time, Council will survey nearby residents to see if they are experiencing a problem with the dog's barking. A weekly Barking Dog Diary will be issued to residents who make a formal complaint. We will also ask you to continue with

your own diary notes for another week.

Council will then review information from all sources to determine whether formal enforcement action will and can be taken.

Enforcement

If the owner is either unwilling or unable to abate the nuisance barking by the dog, they may be issued with an Expiation Notice and Notice of Intent requiring them to satisfactorily remedy the problem, otherwise a formal Control (Barking Dog) Order will be imposed upon them.

A Control Order is a mandatory requirement for the dog owner to take whatever action Council decides is reasonably necessary to abate the barking and remedy the problem.

If the problem remains unresolved a Control Order may be imposed on the dog owner.

Residents will be asked to complete a Control Order Diary for 14 days to monitor compliance with the Control Order.

If the Order is breached, the diaries will provide the evidence required to take the matter to court. When an owner is found guilty the court has the ability to:

- issue a fine
- impose strict controls on the owner of the dog
- remove the dog temporarily or permanently.

Please note that dog owners have the right to appeal against the imposition of an Order or any other legal action. In this case you may be required to give evidence in court.

Civil action

Any person can institute civil proceedings against a dog owner at any time. This course of action can only be handled by the complainant in a civil court and cannot be handled by Council.

Barking dog flyer

Below is an example of an A5 flyer which you can place anonymously in your neighbour's letterbox to alert them to the fact that their dog is barking excessively. A booklet entitled 'Barking - Problems Solved' will be provided to you along with the flyer. Please contact Council on 8416 6333 to request a copy of the flyer and booklet.



Dear neighbour

You may not be aware, but your dog is barking in a way that is disturbing our neighbourhood.

As I was uncertain what to do, I contacted the City of West Torrens and the Council suggested I provide you with information so you can investigate what may be causing the problem barking and have the opportunity to find an effective solution.

The barking is occurring as follows.


Date	Time	What happened

You may find the enclosed booklet useful, or you can contact Council on 8416 6333 and ask for an Animal Management Officer to contact you and help you to resolve the matter.

Thank you for your cooperation.

Application for the abatement of a barking dog

The following pages show an example of an 'Application for the abatement of a barking dog form. A copy of this can be downloaded from Council's website, westtorrens.sa.gov.au, or one can be sent to you by contacting Customer Service on 8416 6333.

Application for the abatement of a barking dog		Civic Centre 165 Sir Donald Bradman Drive Hilton, SA 5033 Tel (08) 8416 6333 Fax (08) 8443 5709 Email csu@wtcc.sa.gov.au Website westtorrens.sa.gov.au	 City of West Torrens Between the City and the Sea
Please complete this form in black or blue ink in BLOCK LETTERS.			
1. Applicant's details			
Given name:		Family name:	
Street address:			
			Postcode:
Postal address:			
			Postcode:
Home telephone:		Business telephone:	
Mobile:			
2. Dog description			
Address dog(s) kept at:			
			Postcode:
Owner's name:			
1 st breed of dog:		Colour:	
2 nd breed of dog		Colour:	
3. Barking dog details			
Describe the dog's barking and why it is a nuisance to you (use the checklist below to assist you)			
<ul style="list-style-type: none"> • How often does the dog bark? • How long does the barking continue for? • What sort of noise does the dog make? • Does it bark at certain times of the day? • Does it bark in response to passers-by or other stimulus? 		<ul style="list-style-type: none"> • Where is the barking in relation to your property? • Does the barking interfere with any of your normal activities? • Does the barking impact on your health or wellbeing? • How does the barking impact on other members of your household? 	

Barking dog diary

Below is an example of a barking dog diary that you will be required to keep if you wish to lodge a formal complaint with Council. It is important that this diary is accurately completed with actual dates, times and descriptions of the barking and its impact on you.

Date	Start	Finish	Description	Reason (if known)	Impact
20/5/10	8am	8.15am	30 loud barks	Children going to school	Woke me up
20/5/10	8.30am	9am	Continued high pitched wailing	Owner left for work	Upset because dog was obviously upset - interrupted phone call
20/5/10	10.05am	10.10am	20 + loud barks	Other dog walking past	Frustrated at and for dog. Interrupted study.
20/5/10	10.20am	10.25am	10 + loud barks	Other neighbour returned home	Headache
20/5/10	11pm	11.15pm	30 + loud barks	Not known	Woke me up - can't get back to sleep.

This may seem excessive but remember, you or Council may be required to present this diary before a Magistrate as accurate evidence of the dog's nuisance behaviour.





165 Sir Donald Bradman Drive, Hilton SA 5033