

# Barking Dog Complaint Kit





## **Barking Dog Complaint Kit**

Dogs are an important part of our lives and community, but dogs that bark excessively becomes a major source of irritation for neighbours and others using the local environment.

Our loyal furry friends, can, if barking continually, become an intrusion and create friction between neighbours.

The City of Mount Gambier Council receives numerous complaints regarding nuisance from barking dogs. By approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

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

Bear in mind:

- The dog may bark excessively when the owner is not home.
- The owner may not be aware of the dogs barking from various areas within the house.
- The owner may be a sound sleeper and not awaken when the dog barks.

## **How To Get Results – What Can You Do?**

Neighbours can help each other to solve barking dog problems by communicating with each other, to voice 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.

Approaching the dog's owner should be the first step when the problems first arises and state your case clearly and politely. Explain the situation to your neighbour. They may not even be aware of the dog barking. It could be occurring during the time the Owner is away, or they may have become desensitised to the noise and not be aware of the effect it is having on others.

Do this with the aim of having the issue resolved amicably. Avoid finger-pointing or accusing anybody of failed responsibility, neglect or the like.

Please note:

Dogs are sensitive to changes to their daily routines and should it suddenly become a problem with excessive barking circumstances could have changed at home such as a death in the family, a new baby has arrived or the dog's Owner may have commenced shift work.

Provide the dog owner or carer with a copy of the diary contained in this kit.

If the owner is unapproachable, or you are not comfortable approaching them, try placing the "Dear Neighbour" letter included in this kit, into their letterbox including any tips and times that may assist to resolve the barking complaint.

If the neighbour takes no action (we ask that you gauge what happens within 2 weeks of speaking or sending the "Dear Neighbour" letter), or does not agree that a problem does exist, please complete the "Barking Dog Complaint Forms" and return to Council for a General Inspector to investigate.

In the majority of cases the solution can be found by communicating with the dog owner and should be sought prior to lodging a complaint with your Council.

## **Lodge 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.**

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

1. Identify the correct address of the offending dog.
2. Complete the "Barking Dog Complaint" Forms included in this kit.
3. Keep diaries of the dog/s barking habits for a period of 10 days. Noting the date, start and cease time, number of barks in that time period.
4. Forward to Council the Barking Dog Complaint Forms and your completed (10) day diaries signed and dated by you.
5. Continue to keep a diary of the dogs barking habits as this will monitor whether the problem continues or improves, as a result of any action taken. It can also be used as further evidence for expiations, orders or legal proceedings should this be required.

## **What Will Council Do?**

Councils General Inspectors will:

1. Study the complaint forms and diaries to establish barking patterns to try to determine the reason for the dogs barking.
2. Confirm that other nominated residents are being affected by the dogs barking by a survey and possibly asking them to fill out a barking dog diary.
3. Advise the dog owner of the formal complaint and discuss possible solutions and strategies they can implement. Inform the owner of their responsibilities.
4. Council has the power to expiate (fine) or serve a Barking dog order (a legal document) on the dog owner to take reasonable steps to abate the barking.

If the General Inspector believes that there is a genuine problem with the dog, and the owner is cooperative, the Officer will work with the owner until they believe the owner has done everything possible to help correct and change the dogs barking behaviour. This may mean referring them to an accredited Dog Trainer

## **What Happens If The Dog Owner Doesn't Cooperate?**

If the dog owner refuses to cooperate the process becomes more formal.

Council has the power to expiate (issuing fine/s) or to serve a Barking Dog Order (a legal document served on the owner to take all reasonable steps to abate the barking nuisance. The dog owner has 14 days to indicate their intentions.)

Council may request that you and other affected neighbours complete further entries into dog barking diaries. It is very important that you understand that this may be used as evidence in Court. If the information recorded in the diaries substantiates the claim that the dog is unreasonably interfering with the peace, comfort or convenience of others the Council may issue the dog owner with an expiation notice for the alleged offence.

Council has the power to expiate (issuing fine/s) or to serve a Barking Dog Order (a legal document served on the owner to take all reasonable steps to abate the barking nuisance. This is in accordance with the provisions of the Dog and Cat Management Act 1995. The dog owner has a right to appeal a Control Order).

If the Order is implemented and subsequently contravened, the City of Mount Gambier Council can take steps to give effect to the Order.

**If the General Inspectors do not receive all the diaries or if they are incomplete, no further action is to be taken. Council is unable to proceed further.**

### **Legal Action**

Legal Action is only considered if all other avenues have failed to resolve the barking.

Council will only commence legal action if;

1. The owner of the dog is not complying with Councils requests and;
2. The dog is a problem, and
3. The complainant (you) is prepared to support their evidence in Court.

If, at any time, Council believes that you are not taking an interest in the complaint and have not undertaken what Council has reasonably requested of you, the complaint may be terminated and you may have to take civil action to seek a remedy at your cost.

Legal action is not automatic and is dependent on a legal assessment of each case with the level of evidence provided. Should Court action proceed you may be required to appear as a witness.

At this time, if you do not wish to proceed, Council may terminate its investigation and all actions in this complaint. .

It may also take time to obtain a hearing date at Court, during this time it is important to keep an up to date record of the barking and the affect it has on you.

Should Court action be successful, Council will ask the Magistrate to order that specific controls be placed on the owner of the dog to reduce the occurrence of barking.

**Barking Dog Complaint Form**

This document and log sheet must be completed in full, signed and dated and then returned to the General Inspectors at the City of Mount Gambier Council with completion of diaries.

Please complete the following information to assist us in trying to resolve the barking dog complaint.

Complainants Name: \_\_\_\_\_  
(Your Name)

Address: \_\_\_\_\_

Phone Number: Daytime: \_\_\_\_\_ Mobile: \_\_\_\_\_

Exact address of Offending Dog/s: \_\_\_\_\_

Description of Dog/s: \_\_\_\_\_  
(Colour & Breed of Dog/s)

\_\_\_\_\_

Have you approached the dog owner to discuss the problem? (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 address with contact details below:

Witness 1 Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness 2 Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

I, the undersigned wish to lodge a formal complaint with The City of Mount Gambier Council, in relation to the dog/s described above which bark persistently to such a degree that it unreasonable interferes with my peace, comfort, or convenience in my premises.

I submit all documented evidence of this as being truthful and accurate and will give evidence on oath before a Court should the complaint not be rectified by the attending Council Officer. I also understand that this evidence may be subject to cross examination should the matter proceed to Court.

No action will be taken against the dog owner, by Council or its Officers until the Complaint Form and relevant evidence has been signed, and the information returned to Council by you.

Signature of Complainant: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Privacy**

The City of Mount Gambier is collecting the personal information on the 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 the Law. If you fail to provide the information, no action can be nor will be taken in regard to complaint.

## **How To Complete The Dog Barking Diary**

Your attention and 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 10 day period as the example indicated below and attach the diary to the Barking Dog Complaint Form.

Completed forms must be returned to Council within 7 days of the last date recorded or Council cannot take action and another diary will need to be completed.

### **Example Diary Entries (C) Continuous (I) Intermittent**

<b>Date</b>	<b>Time barking started</b>	<b>Time Barking stopped</b>	<b>Type of Barking</b> How many barks and what type (C) or (I)	<b>Reason for Barking</b> (Person walking past, another animal, weather, etc.)	<b>Noise</b> How does the noise affect you?
1/7/2014	12.00pm	12.02 pm	6 barks (I)	Postie	
1/7/2014	3.30pm	3:40 pm	5 barks (I)	Nothing	
1/7/2014	3:18pm	3:19 pm	6 barks (C)	Nobody in street	
1/7/2014	3:28pm	3:38 pm	20+barks (C)	Children in street	
1/7/2014	4.00pm	4.10 pm	3 barks (C)	Nobody in street	
1/7/2014	4:45pm	4.49 pm	10 barks (I)	Passersby walking their dog	
1/7/2014	3:52pm	3:55 pm	10 barks (I)	Nobody in street	
1/7/2014	6.20pm	6.30 pm	20+ barks (C)	Cat on fence	

**All entries must document when the dog starts barking, then when it ceases barking. *One (1) diary for each dog must be completed.***

**Please keep all entries to no greater than 10 minute blocks.**

**All entries must be to the minute.** This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.

Forward your completed '**Barking Dog Complaint form**' and '**Barking Dog Diary**' to:

General Inspectors  
City of Mount Gambier  
P O Box 56  
MOUNT GAMBIER SA 5290  
E-mail: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)  
Phone: (08) 8721 2555  
Fax: (08) 8724 9791



## **Dear Neighbour Letter**

Dear Neighbour,

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

I have discussed this problem with the General Inspectors at the City of Mount Gambier Council. They have suggested that I express my concern to you, to allow you the opportunity to rectify the situation without recording an official complaint to Council. They are more than happy to talk with you and possibly come up with strategies to alleviate this problem. There is a Barking Dog Booklet available at the Council that may be helpful to you.

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

I thank you for your time.

Regards

Your Neighbour

## **Barking Dog Diary**

\*Please photocopy this blank form if more entries are required to record barking.

Date	Time Barking started	Time Barking stopped	Type of Barking How many barks and what type (C) or (I)	Reason for Barking (Person walking past, another animal, weather, etc.)	Noise How does the noise affect you?

**Barking Dog Diary**

\*Please photocopy this blank form if more entries are required to record barking.

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