



DEALING WITH A NUISANCE BARKING DOG

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INTRODUCTION

Barking dogs remain one of the most difficult complaints for council to assist customers in resolving. We need evidence from you to substantiate beyond reasonable doubt that a person is failing to prevent their pet being a nuisance. This also requires you to be able to identify the exact property where the dogs are barking, and to clearly identify which dog is barking (in the case of a property having more than one dog).

- 🐾 The dog's owner may not realise 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 home.
- 🐾 The owner may be a very sound sleeper and not woken when the dog barks.

Once you choose to make a complaint, you must be willing to provide your evidence at court.

Barking dog complaints are complex, require your participation, and can be a drawn-out process; approaching the dog's owner **first** in a neighbourly manner and discussing your concerns with them can sometimes easily resolve this type of complaint.

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 list provides some of the main reasons why dogs bark:

- 🐾 Lack of exercise
- 🐾 Inadequate yard space
- 🐾 Boredom or lack of stimulation, both mental and physical
- 🐾 Not enough human companionship
- 🐾 Inadequate shelter from weather conditions
- 🐾 Hunger or thirst
- 🐾 Medical condition, such as an illness or discomfort
- 🐾 Provocation
- 🐾 Disturbances
- 🐾 Change to family structure/ separation anxiety than can lead to destructiveness, howling or escaping.
- 🐾 Movement outside the dog's property.

WHAT IS NUISANCE BARKING?

The *Domestic Animals Act 1994* (DAA) Section 32 (2)(b) makes it an offence if barking is:

'..persistent continuous noise to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises'

This means there is no minimum or maximum to this; however, the key is persistent and continuous. No single event of barking represents a nuisance.

For Example:

- 🐾 If a dog barks for 15 minutes at 9:00am, and then stops and is not heard again, we would not consider this to be a nuisance.
- 🐾 If a dog barks for 15 minutes at 9:00am, then again at 9:30am, 10:00am, 10:30am .etc., this appears to be persistent and continuous, and may be considered a nuisance.

Council may add more weight to less persistent barking if it is occurring between 10:00pm and 8:00am.

TALK TO YOUR NEIGHBOUR

Neighbours can help each other 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. Most owners may not even be aware their dog is barking.

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

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

1. Approach the dogs owner when the problem arises and discuss clearly and politely. The owner may not be aware of the barking situation.
2. If the owners are unapproachable, or you are not comfortable approaching them, try placing the 'Dear Neighbour' letter contained in this brochure into their letterbox.
3. If the owner takes no action or does not agree that a problem exists and if these options are not successful, residents should complete a barkin dog diary for a minimum of 7 days and forward to council@hrcc.vic.gov.au

In most cases, the answers and solution can be found between neighbours prior to lodging a complaint with council.



Dear Neighbour

Date:

You may not be aware that your dog barks a lot which is intruding on my day to day activity. Horsham Rural City Council suggests I contact you as the first step, to raise my concern and ask you to make some changes to fix this situation so we can avoid a formal complaint process.

Generally, your dog/s have been barking/ howling during the following days and times:

Days and Times:

.....

.....

.....

.....

This appears to be when:

.....

.....

.....

.....

Other information:

.....

.....

.....

.....

Attached is a fact sheet from Council which may help identify why your dog barks so much and possible solutions to reduce or stop the barking.

Kindest Regards
Your Neighbour

TIPS TO REDUCE 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 the 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.
- 🐾 Give your dog physical exercise every day. Try to exercise your dog before you have to leave eg long morning walk before you set off to work. This should help your dog relax and rest while you are gone.
- 🐾 Some owners also try to exercise their dog during the middle of the day eg. Organise a reputable dog walker, as this can help to tire out dogs and reduce anxiety whilst waiting for their owner to return after work.
- 🐾 On a walk take different routes and visit new places as often as possible so that your dog can experience novel smells and sights.
- 🐾 Make sure the dog has food, water and shelter from the weather.
- 🐾 If the dog is barking at 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.
- 🐾 Providing things for your dog 'to do'. Providing lots of physical and mental stimulation is a vital part of managing anxiety. Exercising your dog's mind and body can greatly enrich their life, decrease anxiety and provide them with plenty of opportunities to engage in normal dog behaviours. Additionally, a physically and mentally tired dog doesn't have much excess energy to expend when s/he is left alone.
- 🐾 Provide the dog with enrichment toys eg. Kong type toys filled with treats, peanut butter etc, different toys every few days.
- 🐾 Install a dog door, allowing the dog to come inside and out.
- 🐾 Stop feeding the dog once a day in a bowl, instead scatter their food around the yard for the dog to investigate and find (keeps them busy).
- 🐾 Provide fresh bones (raw) for the dogs to chew
- 🐾 Play fun, interactive games with your dog, such as fetch and tug-of-war (before you leave them alone if you can not walk them).
- 🐾 Seek Veterinary/ dog behaviour advice, if these simple tips do not help you and to rule out any medical issues.

Changes in pet-owner interactions:

The goal here is to facilitate the dog becoming more independent and less anxious. It involves ignoring attention-seeking behaviour and rewarding the dog for being calm and relaxed.

Changes in leaving and return routines:

In an attempt to decrease the level of anxiety that these dogs exhibit prior to owner departure, owners should try to ignore the dog 15-30 minutes prior to leaving. Upon return, they should try to greet the dog softly, calmly and quietly, and attend to the dog only when the dog is calm and quiet.

Decreasing the anxiety associated with departure:

This involves changing how the dog perceive pre-departure cues (eg, picking up car keys) and re-teaching the dog that the 'routine' no longer predicts departure. This helps to prevent anxiety escalation and is accomplished through habituation, counter-conditioning and desensitisation which are explained below.

Habituation is a decrease in response as a consequence of repeated exposure to a stimulus. The goal is to dissociate the pre-departure cues from the actual departure. Examples include picking up keys, putting on shoes, packing a briefcase etc. Using the picking up keys as an example, through habituation, the owner picks up the keys, the dog alerts, becomes anxious and comes to the owner; the owner ignores the dog and goes about their routine; the owner does not leave the house. Consequently, the dog learns that the keys mean nothing. This is done with all of the pre-departure cues so that they no longer predict departure, which no longer leads to an anxious response, and become less important to the dog and easier to ignore.



LEGAL REQUIREMENTS FOR COURT ACTION

If you wish to formally lodge your complaint, you need to acknowledge that you are lodging an allegation of a criminal offence under the *Domestic Animals Act 1994*. The submission of barking dog diaries in the way of evidence is required, these diaries represent a legal document, and must be completed accurately, and in good-faith, and **you must be willing to defend this evidence in court** (if the matter escalates).

It is important you keep a comprehensive diary over the course of the investigation that shows the patterns of the dog's barking behaviour. Remember, in a court of law the evidence you give may be subject to cross-examination.

Council will consider taking the matter to court if:

- 🐾 A nuisance as defined by the *Domestic Animals Act 1994* has been established.
- 🐾 All avenues available to Council to rectify the nuisance have been exhausted and the dog continues to cause a nuisance; and
- 🐾 You are prepared to give evidence in court.

The success of any court action relies on the support and assistance of the complainant. If relevant information and evidence is not provided, Council is unable to pursue the matter.

Officers deal with nuisance barking on merit; Horsham Rural City Council maintains a **neutral** position during the investigative process and will **not** assist where complaints form part of an ongoing domestic dispute.

THE BARKING DOG COMPLAINT PROCESS

- 🐾 Upon receipt of a completed barking dog diary, a Community Safety Officer will review the evidence provided to identify whether a nuisance offence may be occurring.
- 🐾 Irrespective of whether nuisance barking may be present, the officer will contact you to discuss their review.
- 🐾 The officer will contact the dog owner to advise them of the complaint and provide some basic advice on how to assist in reducing any barking. Your details will be kept confidential at this point. This is where most complaints are resolved.
- 🐾 If there is evidence to support a nuisance barking complaint, the officer will wait 2 or 3 weeks before contacting both parties again to ascertain what level of noise is still occurring, and what measures have been put into place to reduce the noise.
- 🐾 If the noise has not abated, you will be required to complete multiple barking dog diaries to provide evidence that the barking remains a nuisance.
- 🐾 If the nuisance has not been abated, different enforcement outcomes will commence including infringement notices, formal interviews, completion of a Victim Impact Statement, leading to court action if no abatement from nuisance barking has been proven.
- 🐾 Officers will conduct door knocks and sit offs to record their findings and provide as evidence.
- 🐾 If at any point the noise is abated, or reaches an acceptable level, the complaint will be closed.

BARKING DOG REPORT FORM

1. Complainant Details

Ref:

First Name		Last Name			
Residential Address					
Home Phone	Work Phone		Mobile Phone		
Email Address					

2. Details of Offending Dogs

Have you verified where the barking is coming from?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, what is the address			
Description of dog/s			

3. Details of Nuisance

Have you personally seen the dog/s barking?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you spoken to the dog's owner about this problem?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, what was their response?			
Are you prepared to give evidence in Court if necessary?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have any of your neighbours mentioned this problem to you?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, are they prepared to support your claim?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Statement

I, the undersigned, wish to lodge a formal complaint with the Horsham Rural City Council 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.

I confirm that the information contained in the Barking Dog Noise Log affixed as "Attachment A" is true and correct, in the knowledge that it may be presented as evidence in a Court, and that Council will take no action in this matter until this document is completed and returned.

 Signature of Complainant:

 Date:

This document and the log sheet must be completed in full, signed and returned to the Community Safety Unit. The form can be delivered in person to the Council Chambers, 18 Roberts Avenue, Horsham, or emailed to council@hrcc.vic.gov.au.

After receiving this completed document, should Council officers consider it warranted, a Notice to Abate the nuisance will be sent to the offending owner. Appropriate advice will be given by the officer attending to assist the owner in complying with the notice. Following this you will be required to further monitor the situation and complete another Log Sheet for seven days. The result of this log sheet will determine if Court action is necessary and if you will be required to give evidence

BARKING DOG NOISE LOG

Your accuracy in recording information on the Log Sheet is important as it may be presented as evidence in a Court, and needs to be completed within 14 days.

Date	Time Barking Started	Time Barking Stopped	Duration	Your Location	Description of Noise	Any Effects / Comments <i>For example, unable to sleep</i>

PRIVACY INFORMATION: The personal information requested on this form is being collected by Council for the purpose of evaluating a Barking Dog complaint. This information will be used solely by Council for that primary or directly related purpose. The applicant understands that the personal information provided is for the purpose of evaluating a Barking Dog complaint and that they may apply to Council for access and / or amendment of the information. **Your personal details will NOT be disclosed to third parties.**

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[illegible]

[illegible]

[illegible]

[illegible]

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