

Barking Dogs & How to Handle Them

Many local bylaws prohibit excessive barking. The wording of an average barking dog bylaw is very similar to the following one for Sydney, Australia:

"No owner of a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept."

The City of Victoria Bylaw states that: "No person shall keep a habitually noisy dog."

Excessive barking does not have a specific definition. There is no time duration or specific times of the day that automatically defines prohibited barking.

In order for barking to be in violation of the bylaw it must be: (1) frequent and persistent; and, (2) disturb the neighbourhood (more than one household).

Obviously it is unusual for an Animal Control Officer to actually witness or verify an offence of this nature. He does not live in the neighbourhood and dogs naturally and rightfully bark when someone approaches their master's house.

WHAT TO DO IF THERE IS A SERIOUS BARKING PROBLEM IN YOUR NEIGHBOURHOOD:

If possible, approach your neighbour and tactfully discuss the problem with them. Believe it or not, many people do not realize that their dog barks when they are not home or that it disturbs their neighbours. Many dog owners react well to such friendly approaches and such an approach may avoid a defensive and uncooperative attitude developing out of an official visit by a Bylaw Enforcement Officer.

If no results are achieved by your friendly visit or you choose not to make contact with the dog owner call the Animal Control Officer for your area.

The Animal Control Officer will make contact with the dog owner and advise them a complaint has been made about their dog barking. The Officer uses this opportunity to first confirm that the complainant has identified the correct source of the barking and then to educate and inform the dog owner about barking regulations. The Officer will provide the dog owner with possible causes and solutions in efforts to assist the dog owner to correct the problem. The Officer should ensure the dog is currently licensed and will forewarn the dog owner that the complainant will be counseled to keep a Barking Log if they are further disturbed by their dog's barking.

The complainant's identity is kept confidential, they will only be referred as, "the complainant."

If the barking continues unabated and the dog owner is obviously doing nothing to resolve the situation the complainant will often be directed to complete a Barking Log. The Animal Control Officer will likely issue a Warning Notice to the dog owner if the Officer is reasonably satisfied a disturbance is occurring.

If barking still continues the Animal Control Officer will, in most cases, need to identify a second complainant willing to corroborate the disturbances. The original complainant may already know of someone in the neighbourhood willing to come forward, if not, the Animal Control Officer will conduct a door to door canvass of the neighbourhood to determine the validity of the complainant's allegations. If the canvass confirms a violation has occurred a Final Warning Notice will likely be issued to the dog owner. The dog owner will be directed to rectify the problem immediately and will be cautioned of pending penalties.

If disturbances continue the complainant and other concerned neighbours must keep very-detailed Barking Logs and use other means of documenting the disturbances (audio recordings, photographs, video tape). The Animal Control Officer will review evidence presented and where warranted will issue fines to the dog owner. If the dog owner disputes the tickets, witnesses will be subpoenaed to court to provide testimony.

Continued violations would cause the Animal Control Officer to write a report to the Council and recommend that council approve funds to commence a civil action against the dog owner. The complainant and other witnesses would be required to keep additional logs and be prepared to testify as required.

Approximately 90% of barking complaints are resolved after the Officer's initial visit. Some 8% of complaints require multiple visits - the Officer often requires Barking Logs at this point to convince a dog owner that a violation is occurring. One or two percent of complaints result in fines or injunctions.

BARKING LOG

The Barking Log is to be used by persons who have recently reported a barking dog to the Animal Control Officer. The Officer has spoken to the dog owner about the disturbance, but, there appears to have been no change and the dog continues to bark as before.

Once given direction to keep a Barking Log, be sure to record all instances of the barking that you can. When three days of significant barking has been recorded in any 10-day period, call the Animal Control Officer as soon as possible so they can review the log and take steps to resolve the matter while it is still fresh.

Persons who keep Barking Logs must be 100% truthful when documenting disturbances and not exaggerate or embellish facts.

A Barking Log that consists of numerous entries detailing exact times, durations and observations will provide the Officer with a powerful tool to work with.

A Barking Log that consists of a few general statements and approximate times is unlikely to convince the Animal Control Officer, the dog owner or a Judge, that a disturbance did occur.

Owners who allow their dogs to bark frequently and persistently or bark during the night are likely to be in violation of Animal Control bylaws.

Most important: Have patience and be consistent.

