

REF: CAS-

BARKING DOG

INFORMATION KIT / BARKING DOG DIARY



Note:

If the enclosed diary is not returned within 21 days from date of issue, Adelaide Hills Council will be of the understanding that the barking is no longer a nuisance to you and the matter will be closed.

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 using the local environment. Our best friend can, if it barks continually, become an intrusion and possibly create friction between neighbours.

The Adelaide Hills Council receives numerous complaints regarding 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 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 house.
- The owner may be a very sound sleeper and not woken when the dog barks.

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 and training
- Inadequate yard space
- Boredom
- Not enough human companionship
- Inadequate shelter from weather conditions
- Hunger or thirst
- Medical condition
- Provocation
- Disturbances
- Changes to family structure
- Movement outside the dog'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, other dogs, or even birds flying across the property.

Whilst 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 should be considered to be unacceptable behaviour.

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.

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

- 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.
- If the dog owner is unapproachable or you are not comfortable approaching them, try placing the 'Dear Neighbour' letter contained in this kit into their letterbox.

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with Council.

If the neighbour takes no action or does not agree that a problem exists, you may wish to contact one of the following:

- Your own solicitor;
- Mediation Australia www.mediationaustralia.net.au telephone 8379 2910;
- Legal Services Commission of SA www.lsc.sa.gov.au telephone 1300 366 424.

These services use mediation as a way of settling neighbourhood disputes without legal action. Specially trained mediators may be able to help you find a workable solution.

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with Council.

Barking Dog Complaint Process

- Initial complaint received by Council.
- A 'Barking Dog' information kit will be sent to the complainant.
- The complainant is to contact the dog owner, either in person or via a 'Dear Neighbour' letter (example within kit).
- If the barking continues, the complainant is to return the barking dog diary (included in the kit) to Council within 21 days.
- Council will assess the completed diary.
- If the barking is deemed to be a nuisance an Authorised Officer will contact the dog owner and will advise the complainant when contact has been made.
- The complainant will be requested to monitor the situation for a further 14-21 days and report back to Council.
- The Authorised Officer will assess feedback and consider appropriate action.

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Dear Neighbour

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

I have discussed this problem with the Adelaide Hills 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 with Council.

Examples of the barking are:

Dates	Times	What Happened

Thank you in advance for taking steps to reduce the noise nuisance your dog is causing and avoiding the complaint progressing any further.

An Authorised Officer at Adelaide Hills Council can be contacted on 8408 0400 to assist you with this matter.

Kind regards

Neighbourhood Resident

Date: _____ / _____ / _____

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Does my dog bark excessively?

When barking becomes an issue

Barking is one way your dog communicates. It can signify anything from playfulness to anxiety. Reasonable barking such as when the family returns home or to protect their property, is acceptable. However, owners sometimes overlook that their dog can also adversely affect other peoples' lives. Excessive barking (as defined by the *Dog and Cat Management Act 1995*) is when a dog creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person. Excessive noise is one of the most frequent concerns raised with councils.

We understand...

...most owners are willing to work with the council to find ways to stop their dog from barking excessively.

Excessive Barking: the Fast Facts

Many factors can cause a dog to bark excessively:

- Boredom, loneliness or a lack of entertainment
- Discomfort from fleas, worms or other irritations
- Unsuitable yards, enclosures or kennel location
- Lack of adequate food, water, exercise or training
- Guarding or protecting territory or feeling threatened
- Protecting their owner or their family
- Strange or new noises or fireworks
- Thunderstorms, high altitude planes or wailing sirens
- People passing or children playing nearby.

If your dog barks excessively and it becomes an issue for others or for council, it is reviewed and resolved through:

- Working with the owner informally with education, monitoring the situation and/or mediation
- Issuing the dog's owner with an expiation notice for excessive barking
- Issuing the owner with a 'Control Order' (barking) under the *Dog and Cat Management Act 1995*.

We understand...

...excessive barking, is distressing for everyone. That's why it's important to manage the situation and your dog.



If a complaint is lodged with council

The first task of the council is to determine if the complaint is valid. Sometimes the wrong dog is accused, sometimes the complaint is the result of a neighbourhood dispute and sometimes one neighbour is overly sensitive to barking while other neighbours don't notice it.

Understanding why your dog is barking assists you to control excessive and annoying barking. A good start is *Barking Problems Solved* by Dr Joanne Righetti, a free booklet available from your local council.

Mediation to find a solution

Not all noise nuisances require legal solutions. If the owner and neighbour, working with council are unable to resolve the complaint informally then council will conduct a full investigation. This may include providing diary sheets and talking to neighbours, the complainant and the dog owner. Information collected at this time is vital and may be admissible as evidence if the matter is prosecuted.

When no solution is agreed on

Councils can issue a 'Control Order' (barking) to require an owner to control their dog. Usually, an explanatory letter will be sent allowing up to 21 days to rectify the problem. If not corrected, council may issue a control order and expiate.

When a Control Order is issued

If issued, and if the dog continues to create further excessive noise, councils can instigate prosecution against the owner if the offence is extreme, or the owner refuses or cannot comply with the Order.

If found guilty, the Court may impose a penalty that requires the owner to implement strict controls on the dog or remove the dog from the property. Contravention of an Order is a serious offence.

When no solution is found legally

Residents have the right to take civil action directly against a dog owner to alleviate a noise nuisance. This is instigated through a Court of Summary Jurisdiction. If the complainant believes council has not handled the matter in accordance with its obligations the issue can be taken to the State Ombudsman's Office.

Excessive Barking: a Good Owner tip

Take noise and barking dog complaints seriously however difficult it may be to investigate and resolve. Councils can provide information about reducing dog noise problems and may refer you to an expert such as a vet or dog behaviourist.

To find the facts and other tips on how to be a good dog owner, visit dogandcatboard.com.au



An initiative of the **DOG AND CAT MANAGEMENT BOARD** and your local council. Council information and contact details can be located at www.lga.sa.gov.au. View the *Dog and Cat Management Act 1995* along with Information Sheets on selection, health, behaviour and care at www.dogandcatboard.com.au

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7 DAY DIARY

I _____
(Your full name)

Of _____
(Your address)

(Your address)

Phone _____ (H) _____ (W)

Hereby state that the dog/s namely (1) _____

(2) _____

(3) _____
(Breed/s and name/s if known)

usually kept at: _____
(address where dog/s is/are kept)

(address where dog/s is/are kept)

Creates a nuisance to me by barking excessively during the times listed below: (please note that the barks must be indicated in a numerical value and not by written advice)

EXAMPLE

Date	Time Start	Number of Barks	Time Finished	Total	Reason
20/8/04	0901(1)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0905	17	Neighbour leaving
	(2)	1 1 1 1 1 1 1 1 1 1			
	0910	1 1 1	0920	3	
21/8/04	1645	1 1 1 1 1 1 1 1 1 1	1648	10	Children playing
	1832	1 1 1 1	1840	4	No reason

It is essential that you complete the diary as set out in the example above for Council to pursue this matter on your behalf.

