

## Information on Barking Dogs

Dogs are an important part of our local community, however, where a barking dog continually causes disturbance to the sleep of neighbours, it is a source of concern. Dogs that bark during the daytime may also be a source of annoyance to residents at home during the day. Dog barking can be due to a variety of factors including boredom and visual stimulation.

Complaints about barking dogs are difficult issues for Council to resolve because:

- each individual will have a different view as to what is a noise nuisance - this will vary as a result of the location of the dog to the complainant, the noise tolerance level of complainant, the type of barking and time/length of barking gathering evidence and completing barking dog diaries are time consuming and difficult
- Council Rangers need to investigate complaints to ascertain whether indeed the barking is causing a nuisance
- Council Rangers require complainants to agree to be a witness in Court and provide evidence if the matter is to proceed
- the owners often are not aware that their dog is barking excessively
- barking is simply one way dogs communicate and can mean anything from playfulness to danger.

Some dogs bark because they are:

- chained to a fixed point and do not have enough room to move around
- being provoked deliberately or unintentionally by people or other roaming animals
- not getting enough exercise
- not properly trained
- bored
- may suffer from separation anxiety
- lonely, sick, hungry, or generally neglected.

Chronic or excessive barking is a sign that something is wrong and can be a nuisance to others in the community. Sometimes stopping a dog from barking can be as simple as taking care of their basic needs.

## What can I do about my barking dog?

- Exercise your dog - dogs who have worked off their excess energy are less likely to bark from boredom
- Play with your dog when you are home
- Make sure your dog receives veterinary attention when required
- Leave toys out for your dog to play with
- Make sure your dog has plenty of food, water and shelter from both the sun and rain
- Discipline your dog - take it to obedience school or puppy preschool and talk to your vet about what type of training courses are available
- Seek advice from the RSPCA or other institute.

## What to do if you are troubled by a barking dog?

### Boarding or training establishments

Development consent is required for activities such as breeding, boarding, training or caring of dogs for commercial purposes. Noise from these activities is dealt with through development consent processes.

### Barking dogs

Where the noise issue is not about development activities such as breeding dogs, the *Companion Animals Act 1998* is the primary way this noise is dealt with. The *Companion Animals Act 1998* describes a dog as a nuisance if the dog makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

#### 1. Discuss

Once you have identified the correct address and description of the dog, it is recommended that residents takes steps to let the owner of the dog know that there is a problem. Owners are often not aware of the issue and will take steps to fix the issue once they know.

#### 2. Wait

Give the owner of the dog some time to make changes or take some action.

## 3. Lodge a complaint with council

Where this does not solve the problem, a complaint can be lodged with Council using the form on Council's website. Forms need to be complete and give as much detail as possible.

Council provides an advisory letter (or phone call) to the owner. Information on free mediation through the Community Justice Centre (CJC) is provided along with a Noise Diary template. The Noise Diary can be useful as part of mediation. CJC is also recommended where there are additional issues between neighbours other than barking dogs.

CJC are government-funded but independent centres that specialise in settling differences between neighbours through a mediation process. This is where you meet with the people who are making the noise, together with a CJC representative to try and solve the problem. This process will not cost you any money and has a high success rate.

After a dog owner receives an initial notification of the issue, the dog owner should be given some time to try to alleviate the issue.

Where the complaint is not resolved in this first stage and a further complaint is lodged with Council, Council may undertake a site visit to verify the details and discuss the process for further investigation. A noise diary kept for a minimum of seven days continuously will also be required. It is important that as much detail as possible is included in the Barking Dog Diary. Accuracy in recording the nuisance barking is extremely important as it may be presented as evidence in Court.

In the investigation of a complaint, Council will not proceed past the first advisory letter stage unless there is clear evidence in the mind of the Officer that a legitimate case exists. Council officers will consider, amongst other things, a noise diary, statements from other neighbours and evidence that CJC mediation has been attempted.

Where an investigation determines a dog is causing a nuisance, Council will first issue a warning letter to the dog owner. If the barking continues Council may choose to pursue the matter by either:

- Prevention order under *Protection of the Environment Operations Act 1997*
- Nuisance order under the *Companion Animals Act 1998*
- Order to reduce number of dogs under the *Local Government Act 1993*.