



City of Salisbury
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Dog Barking Notification

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 create friction between neighbours.

City of Salisbury receives numerous notifications 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 concern.

Please read on for options relating to dog barking issues between neighbours.

Options 1 - Communication or Mediation

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.

The dog's owner may not realise that the barking is causing an annoyance to other people. This may be because:

- 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.

Approaching the dog's owner should be the first step when the problem arises and state your case clearly and politely. He or she may not be aware of the barking situation. Provide the dog owner with a copy of the diary contained in this brochure.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing the 'Dear Neighbour' letter contained in this document into their letterbox including ticking and tips and times that may help resolve the complaint.

If the neighbour takes no action or does not agree that a problem exists, you should then complete the 'Barking Complaint Forms' and return to Council for a General Inspector to investigate.

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

If communication to your neighbour and mediation fails to assist with your issue, you may require taking formal action against your neighbour. Formal action is considered the last resort as it often has a negative effect on neighbour relations once the formalities of an investigation begin.

If you believe the situation between you and your neighbour has broken down to the state that communication and mediation is not possible please continue to the next page for details on how to continue with formal action.

Option 2 – Formal Action

Lodge a barking notification form with Council

If a notification about a noisy dog is received, Council's General Inspector may observe the dog to assess whether it is creating a noise that 'persistently occurs to such an extent that it unreasonably interferes with the peace, comfort or convenience of others'. (*Section 45A, of the Dog and Cat Management Act 1995*)

Most notifications about noisy dogs received by Council are handled informally and through Council Officer mediation. This way all parties are given the opportunity to work towards a resolution before any legal action is taken.

Note: The person making the notification needs to be willing to keep a diary recording the extent and occasions that the dog causes a nuisance. In addition, the person must be prepared to attend Court if necessary to give evidence in order for the Council to proceed when all other measures have been exhausted.

The need to keep a diary is important so Council officers can ascertain the extent of the nuisance and make recommendations to the dog owner, and to be used as evidence should the situation arise. Depending on the situation further diaries may be required.

How to lodge a notification

Fill out the attached barking notification form including a 7-day diary, noting the date, start time, type of barking and time ceased. Once completed, notification forms together with diaries can be returned to the Salisbury Community HUB, 34 Church Street, Salisbury 5108 or mail to PO Box 8, Salisbury SA 5108. Further diaries may be required at request of the investigation Officer during the investigation.

Council Action

Council's General Inspectors will:

- Study the complaint forms and diaries to establish barking and attempt to try to determine the reason for the dog's barking;
- Confirm if other residents are being affect by the dog's barking by a survey;
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If the Inspector believes there is a problem with the dog, they will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour.

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

Council has the power to expiate a dog owner if there is sufficient evidence to prove that the dog unreasonably interferes with the peace, comfort or convenience of a person.

If the problem is not resolved the Inspector may issue a letter informing the owner of Council's intention to issue a Control Order in accordance with the provisions of the Dog and Cat Management Act 1995. The Control Order will require the owner to take reasonable steps to abate the barking.

The dog owner has a right to appeal a Control Order to the courts.

Legal action is only considered if all other efforts from Council have failed to resolve the barking.

Council will only commence legal action if:

- The owner of the dog is not complying with Council's request, and
- The dog is a problem, and
- The complainant is prepared to support their evidence in court.

If, at any time, council believes you are not taking an interest in the notification and have not done what Council has requested of you, the investigation will be terminated and you will have to take civil action.

Legal action is not automatic and depends on a legal assessment of each case and evidence provided. Should court action proceed you may be asked to appear as a witness. If you do not wish to do so, Council may terminate its investigation.

It may also take time to obtain a hearing date at court, during this time you must keep an up to date record of the barking and the effect 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 take certain actions to reduce the occurrence of barking.

If the information recorded in the Diary Sheets 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.

Civil Action

Any person can institute Civil Proceedings against a dog owner in a Court; however, this course of action can only be handled by the complainant and cannot be handled by the City of Salisbury.

Complaints and Grievance Procedures

If you believe that the City of Salisbury has not handled the matter in accordance with its obligations under the Dog and Cat Management Act please contact us.

In the first instance we will seek to resolve any problems.

Owners may request a formal review of decision (as provided for under *Section 270 of the Local Government Act*) where a person not directly involved in handling the issue will conduct a review.

Owners retain the right at any time refer the matter to the State Ombudsman's Office for an investigation.

Dear Neighbour

Address

You may not be aware but your dog is currently creating a noise nuisance in the neighbourhood by barking. I have been advised that discussing this issue with you is the first step to allow you an opportunity to address the concern.

I advise the following behaviour of the dogs has been observed, as this may help you to rectify the problem.

1. The dog/s bark regularly between:

- | | | |
|--|--|--|
| <input type="checkbox"/> 0.00am-7.00am | <input type="checkbox"/> 7.00am-Midday | <input type="checkbox"/> Midday-5.00pm |
| <input type="checkbox"/> 5.00pm-8.00pm | <input type="checkbox"/> 8.00pm-Midnight | |

2. The dog/s bark when:

- | | |
|---|---|
| <input type="checkbox"/> You leave the property | <input type="checkbox"/> When you are at home |
| <input type="checkbox"/> Other | |

3. The dog/s bark at:

- | | |
|--|--|
| <input type="checkbox"/> People passing the property | <input type="checkbox"/> Neighbours dogs/cats/children |
| <input type="checkbox"/> Dogs passing the property | <input type="checkbox"/> Postman |
| <input type="checkbox"/> When I am in my yard | <input type="checkbox"/> Nothing |
| <input type="checkbox"/> Other | |

4. When the dog barks it usually:

- | | | | |
|---|--------------------------------|-------------------------------|---|
| <input type="checkbox"/> Runs along the fence at the: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Jumps at the fence at the: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Sits or stands on the spot: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Other | | | |

I hope this information will help you to monitor the dogs and be able to rectify the situation as quickly as possible. This letter has been prepared by the City of Salisbury to assist residents with barking problems. Councils General Inspectorate may be able to provide further assistance; they can be contacted on 8406 8222.



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DOG & CAT MANAGEMENT ACT, 1995

DOG NOISE REPORT

To the City of Salisbury, Church Street, Salisbury SA 5108 (Fax 8281 5466)

I, _____ of _____
(Insert your name) (Insert your address)

Suburb _____ Post Code _____

Telephone: (Home) _____ (Business) _____ (Mobile) _____

A dog, which I believe to be a _____,
(Insert colour and breed of dog if known)

has created noise as detailed on the Dog Noise Record Sheets of this complaint.

The dog is believed to belong to _____
(Insert owner's name if known)

and is kept at _____
(Insert address where dog is kept)

Suburb _____ Post Code _____

I declare that all information provided in this dog noise report and 7 day diary is true and accurate.

I request the City of Salisbury to institute proceedings if the noise does not stop and I will undertake: -

(a) To give full information to the Council as to this matter including further diaries if requested; and

(b) To appear in Court and give evidence as a witness to the truth of this complaint

Signed: _____ **Dated:** _____

Witness: _____ **Dated:** _____
(Justice of the Peace)

*** THIS SECTION MUST BE COMPLETED FOR AN INVESTIGATION TO BE UNDERTAKEN ***

Please complete the following information along with the Dog Noise Record Sheets to assist us in trying to resolve the noise complaint.

1. Have you approached the dog owner to discuss the problem? Yes No

If no, why not? _____

If yes, when and what action did they take? _____

Has there been any improvement? _____

2. During which times does the dog bark regularly?

0.00am-7.00am 7.00am-Midday Midday-5.00pm
 5.00pm-8.00pm 8.00pm-Midnight

3. Does the dog bark when:

Owners leave property Owners are home
 Other _____

4. What is the dog barking at?

People passing the property Neighbours dogs/cats/children Postman
 Dogs passing the property When I am in my back yard Nothing
 Other _____

5. What area of the property is the dog barking at?

Front Back Side of fence line
 Other _____

6. When the dog barks what is it doing?

Runs along the fence at the Front Back Side of property
 Jumps at the fence at the Front Back Side of property
 Sits or stands in one spot Other _____

7. Can you give a description of the dog/s?

Dog #1 Breed: _____ Colour: _____ Sex: Male Female
Dog #2 Breed: _____ Colour: _____ Sex: Male Female

8. If there is more than one dog involved: Does one dog bark more than the other?

Yes No

If yes, which dog is of more concern? Dog #1 Dog #2

Does the barking increase when the dogs are playing/fighting? Yes No

9. Are you aware if the owners make attempts to stop the dog/s barking? Yes No

If yes, when does this occur? Whenever the dog/s bark Sometimes Not at all

10. What action do you think might solve the problem? _____

11. Other relevant information: _____

DOG NOISE REPORT

Below are a list of instructions to complete the attached Dog Noise Record Sheets and an example for you to follow.

Note: Sheets must be completed for a period of 7 consecutive days

Step 1 – The Record Sheets are one day to a page – Fill in the date at the top of each page

Step 2 – Fill in the time when barking commenced (Column A)

Step 3 – Fill in the time when barking ceased (Column B)

Step 4 – Fill in the type of bark (Column C)

1. Howl
2. Whine/Cry
3. Bark – intermittent 4-5 times per minute
4. Barking – repetitive more than 10 times per minute

Step 5 – Fill in how the noise has impacted on you (Column D)

Step 6 – Dog Noise Record Sheets **MUST** be completed for a period of 7 consecutive days

Step 7 – Sign the declaration at the front of the report and have this witnessed by a JP.
 (Note – this matter will only be investigated if this declaration is signed and witnessed by a JP. This document may be presented in Court as a true and accurate representation of events. The person making this report may be required in court to attest to the accuracy of this and any future reports)

Example form:

Day 1: *Monday*

Date: *30/04/2016*

A: Time Commenced	B: Time Ceased	C: Type of Noise	D: How did the noise impact you?
<i>10.00pm</i>	<i>10.05pm</i>	<i>3</i>	<i>Kept me awake</i>
<i>10.08pm</i>	<i>10.10pm</i>	<i>3</i>	<i>Kept me awake</i>
<i>5.30pm</i>	<i>5.37pm</i>	<i>4</i>	<i>Couldn't hear TV</i>
<i>5.40pm</i>	<i>5.42pm</i>	<i>4</i>	<i>Couldn't hear TV</i>
<i>7.30am</i>	<i>7.40am</i>	<i>2</i>	<i>Woke us up</i>
<i>7.45am</i>	<i>7.50am</i>	<i>2</i>	<i>Woke us up</i>

