



Information Sheet: Resolving Barking Dog Nuisance (for Aggrieved Neighbours)

Barking Dogs

Dogs which bark excessively often become a major problem in our community.

They become an intrusion and create conflict between neighbours.

Why do Dogs Bark?

Dogs bark for many reasons. These include:

- 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
- Changes to family structure/ separation anxiety that can lead to destructiveness, howling or escaping
- Movement outside the dog's property

What does the Law Say?

A dog is regarded as a nuisance if it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

A Dog Owner must not allow the dog to create a nuisance.

If Council cannot resolve a barking dog problem it will take the matter to Court and obtain a Court Order requiring the owner to resolve the problem.

First Steps

Where they are comfortable doing so Council recommends that aggrieved neighbours directly approach the offending Dog Owner and request that they take action to control their dogs barking.

Follow Up Action

Where a direct approach to an Dog Owner is unsuccessful or an aggrieved neighbour does not feel comfortable in approaching the Dog Owner Council will:

- Contact the complainant to confirm details of the complaint.
- Familiarise itself with the circumstances of the alleged nuisance.
- Endeavour to identify the subject dog.
- Visit the property.
- Advise the Dog Owner of the complaint without naming the complainant.
- Grant the Dog Owner 14 days to commence to resolve the alleged problem.
- Verbally advise the complainant of the action taken and confirm advice in writing, asking that if the problem is not resolved within 14 days to advise Council.

Enforcement Action

If the complainant contacts Council to advise that the problem is persisting, Council will:

- Contact the Dog Owner and ascertain what action has been taken to resolve the problem
- Advise the owner that the issue has not been resolved and that a Notice to Comply will now be issued and that this may lead to court action.

A Notice to Comply will then be issued by registered mail.

Information Sheet: Resolving Barking Dog Nuisance (for Aggrieved Neighbours)

If the property is tenanted a copy of the Notice to Comply will be sent to the landlord.

Advice to Complainant

A barking dog pack will be sent to the Complainant comprising:

- A Complainant's questionnaire
- A Log Sheet for recording times of barking nuisance.

The Complainant will be advised that if they wish to pursue the claim they should complete and return these documents.

Action to Resolve

During the Log Sheet completion period council will visit the neighbours and complete a standard Barking Dog Neighbour Questionnaire.

After 14 days and receipt of Complainant's questionnaire and Log Sheet Council will convene a Barking Dog Review Panel and determine whether a nuisance exists

If it is determined that a nuisance exists the Dog Owner will be advised that a nuisance has been established.

The Complainant will be requested to complete a second 14 day Log Sheet in order to support Council's action.

Upon receipt of the further Log Sheet an Infringement Notice will be issued and listed for a Court hearing.

If the Barking Dog Review Panel doubts that a nuisance exists Council will ask Dog Owner to agree to fitting a Bark Count Collar to dog.

If Dog Owners agrees Council will advise complainant of the action.

After 7 days Council will collect the collar, extract data and convene a Barking Dog Review Panel, consider data and determine on the compliant.

If the owner does not agree to fitting Bark Count Collar Council will reconvene the Barking Dog Review Panel to determine on basis of evidence previously considered and second 14 days Log Sheet whether a Nuisance exists.

If a nuisance is found to exist by the Panel Council will issue an Infringement Notice and list the matter for a Court hearing. Council will then enforce the Court Order.

If Barking Dog Review Panel determines that subject dog is not causing a nuisance Council will advise both the Complainant and Dog Owner and that any further complaints will be investigated if they arise.