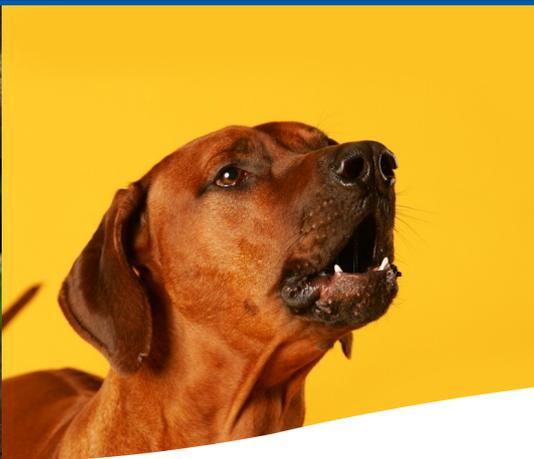




Dealing with barking dogs



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Introduction

Swan Hill Rural City Council regularly receives complaints regarding excessive dog barking. These complaints become more frequent in warmer weather.

Dogs bark for many reasons. It can be a sign of excitement or affection, or sometimes a warning or a sign of unhappiness. Whatever the reason, it can be a nuisance.

For some residents, there is nothing more frustrating than a dog which barks incessantly, day and/or night. If the barking goes unchecked, it can become an intrusion which leads to tension and friction between neighbours. One of the duties associated with responsible pet ownership is to ensure dogs do not annoy neighbours by barking excessively.

This booklet outlines some of the reasons why dogs bark and what can be done to help the situation. It also explains what residents can do if excessive barking becomes a problem.

Before reporting a dog that barks loudly and frequently Council suggests contacting the dog's owner.

Discussing the issue with the owner in a polite and neighbourly manner can often resolve the issue, as:

- A dog owner may not realise the barking is a nuisance to neighbours.
- The dog owner may not be home when the dog is barking.
- The dog owner may be a sound sleeper and does not hear the dog barking.

This information pack outlines the guidelines for your requirements in lodging and dealing with a barking dog complaint.

You may wish to seek legal advice if you do not fully understand what is set out in this document.

Why dogs bark

Even when dogs may appear to be barking for no reason, they are actually trying to communicate something to their owner or anyone willing to pay attention. Barking, growling and howling are a form of communication.

Below are some of the common reasons a dog may bark

- Boredom
- Guarding its territory
- Loneliness
- Strange noises
- Fear
- Excitement
- Habit
- Hungry or thirsty
- Lack of exercise
- Lack of companionship

Cause and effect

It is important to find out why a dog is barking and what is causing it. Here are some common causes and simple remedies that may help solve the problem.

Lack of exercise and boredom

Dogs like to explore and can become bored when confined in a backyard. The situation becomes worse if the yard is small or the dog is locked in an enclosure, kept on a chain or in a run.

This problem can be helped by treating the dog as a member of the family, taking the dog on family outings and regular walks, as well as proving the dog with stimulating exercise and activities.

Loneliness

Dogs are social animals that enjoy company and need interaction with other animals and people to keep them stimulated. If left without companionship or regular socialisation, dogs can become discontented and lonely, leading to destructive behaviour and barking excessively as a plea for attention.

Inadequate shelter

Dogs require shelter from all elements of the weather and will seek attention if they are uncomfortable in extreme weather conditions. Dogs should always have access to shelter that provides soft, dry bedding with protection from the heat in summer and the cold in winter.

Hungry or thirsty

Dogs require plenty of fresh water and a well-balanced diet to remain healthy and contented. A dog will soon let its owner know if it has not been fed or has no water to drink.

Medical condition

Medical conditions, whether obvious or underlying, can cause howling, whimpering and barking.

Flea or worm infestations, skin allergies and some injuries can cause a dog to make undue noise if left untreated. Consult a veterinarian to eliminate any medical condition as being the cause of excessive noise.

Change to family structure

Dogs are naturally pack animals. When placed in a family environment, the dog perceives the family as its pack. Family changes may disrupt and upset a dog's perception of where and how it fits into the family structure.

Changes can include a reduction in the family (such as marital separation, a death or family members moving away) or may be the result of expansion to the family (such as marriage, taking in boarders or the arrival of a new baby).

The dog may view new arrivals as a threat to its position which can result in aggressive behaviour and resentment. Owners need to take firm but loving action so the dog understands and accepts the family addition and its new position in the family. If the new addition is a baby, it is important the dog understands the new baby holds superior position in the family. It is advisable to never leave the baby alone with the dog.

A decrease in family can cause confusion and insecurity for the dog resulting in behavioural problems. The family dog will mourn a missing family member and can bark, howl or whimper as a way of dealing with the loss. The way the family reacts to changes can directly affect the behaviour of a pet, so in times of family reduction, the pet will also require comforting and reassuring.

Moving house

Dogs are territorial creatures and when removed from their home territory they can become insecure and stressed, resulting in behavioural problems.

When a family moves it cannot assume that a kennel placed in the backyard will be accepted as the dog's new home. A dog's territory is based on an area it has claimed as its own by scent-marking. Until the dog re-establishes a new home territory, it may be insecure and display unsettled behaviour such as jumping the fence or digging out.

The dog may also bark and howl in its distress and insecurity. When moving house, the dog owner needs to comfort, reassure and assist the dog in establishing its new territorial home.

Provocation

Dogs bark to alert their owners to trouble, such as an intruder entering the property or perhaps a fire. It is acceptable for a dog to bark to warn its owner of an intruder, but it is the owner's responsibility to train the dog not to bark at normal occurrences such as possums, cats, birds or people walking past the property. Barking at normal movement and noises from adjoining properties is considered unacceptable behaviour.

A basic guide for responding to provocation is to either remove the source of the provocation or, if that is not possible, remove the dog. In either case, owners need to determine the reasons for the barking to determine if it is unnecessary and whether the dog needs training to overcome being reactive.

The following are examples of provocation and some suggestions for overcoming them:

- If possums are the cause, consider housing the dog indoors overnight when possums are most active or have the possums professionally removed.
- Unknown cats or dogs can also cause a dog to bark. If possible, locate the owners of the intruding cat or dog and discuss the problem with them. Ask the owner to confine their animal to their own property.
- Some breeds of dogs are susceptible to barking or howling at the sound of sirens or alarms. Dogs have sensitive hearing and the volume or pitch of a siren or alarm may actually aggravate their ears. The dog should be reassured and taken inside or distracted from the noise and quietened. Some dogs can be desensitised to the sound of sirens and alarms through training.
- Visitors can either be welcomed or uninvited. Assess the situation and take appropriate action if the visitor is unknown. When the person has left, ensure the dog is rewarded, reassured and quietened. If the visitor is not a stranger, invite the person in and socialise them with the dog.
- Remember, storms and thunder affect animals just as much as humans. During these occurrences dogs should be reassured and either taken inside or quietened.
- If the source of provocation is a person, discuss it with the person concerned. If the person is unapproachable, contact the Dispute Settlement Centre (refer to the useful contacts section at the back of this booklet).

Training techniques

Owners need to teach their dogs the difference between acceptable and unacceptable barking. This can be time consuming and patience and persistence is required.

Dogs can be trained in various ways and devices can be purchased to assist in their discipline.

One simple and inexpensive method involves the use of voice control and a spray water gun. When the dog is barking at birds, cats, possums or neighbours, the owner should approach the dog while it is barking and gently squirt the face with water while saying “no, bad dog” in a firm but controlled voice.

Do not call the dog over to reprimand it, or it will believe it is being reprimanded for coming when called. It is best to reprimand a dog as soon as an incident occurs, otherwise the dog will be confused about why it is being punished.

Other training methods include:

- Contacting professional organisations.
- Dog obedience schools where dogs can be socialised and desensitised from some irritants that cause excessive barking.
- Purchasing or hiring anti-barking collars. The recommended collar releases citronella spray which dogs find unpleasant.

Neighbourhood communication

In most cases, answers and solutions can be found between neighbours through discussion and should be sought prior to lodging a complaint with Council.

Council receives numerous complaints regarding nuisance noise from excessive dog barking. This type of complaint is often easily solved by approaching the dog's owner in a neighbourly manner and discussing any concerns with them.

When approaching a neighbour with a concern, it's important to consider that:

- The dog may only bark excessively when the owner is not home.
- The dog's owner may not realise the barking is an annoyance to other people.
- The owner may not hear the barking from different parts of the house.
- The owner may be a very sound sleeper and not be woken when the dog barks.

Neighbours can assist in solving barking dog problems by communicating their concerns and helping identify reasons for excessive barking by noting what is happening in the vicinity when the barking occurs. A neighbour might even be willing to exercise a dog if its owner is unable to due to work commitments, illness or other reasons.

Establishing a relationship with your neighbours and their dogs can assist with any potential issue that may arise.

Try the following steps to attempt to resolve the issue in a neighbourly manner:

1. 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. Provide the dog owner or keeper with a copy of the diary contained in this brochure.
2. If the dog owner is unapproachable, or you are not comfortable approaching them, try placing the "Dear Neighbour" letter contained within this document into their letterbox.

If the neighbour takes no action, or does not agree that a problem exists, the State Government Department of Justice offers a dispute settlement service for people who find themselves in a situation of dispute or conflict with another person.

This service uses mediation as a way of settling neighbourhood disputes without expensive legal action. It is a private and free service. The service offers specially trained mediators who will help you both find a workable solution. (See the useful contact section at the back of this booklet)

Lodging a complaint with Council

In the first instance, complainants must attempt to resolve the complaint directly with the dog owner. Lodging a complaint with Council should be the last option.

To lodge a complaint with Council you should first show that you have:

- Identified where the noise is coming from. Council is unable to investigate if the source of the noise is unknown.
- Spoken with your neighbour and have tried to resolve the problem as well as giving them a *Dear Neighbour Letter* contained in this pack.
- Made an attempt to resolve the issue through an independent mediation process like the Dispute Settlement Centre of Victoria.

Once you have completed the above, you may then start the procedure for lodging a barking dog complaint as follows:

1. Identify the correct address of the offending dog.
2. Contact Council's Regulatory Services to discuss concerns. The complainant will be asked to put their concerns in writing and complete the *Barking Dog Complaint Form* in this booklet.
3. On receipt of this form the complainant will be forwarded a *Barking Dog Kit*. This kit includes a covering letter and questionnaire, information on why dogs bark and what owners can do to minimise it, and a diary for recording incidents of barking.
4. The complainant is required to record a diary of each incident of barking and its effect over a two-week period **noting the date, time, duration of barking, reason for the barking as well as the effect the dog's barking is having on you.** (See sample diary on the following page). A letter will also be sent to the owner of the dog to advise that a complaint has been made. The owner will also be sent a copy of this booklet.
5. After two weeks the completed diary must be submitted to Council, along with the questionnaire, for Council to proceed with the investigation. Council officers will then review the diary for barking patterns in an effort to reveal the reason for the dogs barking, and may identify whether other residents are being affected by the barking. An Authorised Officer will visit the owner of the dog to discuss possible solutions and inform them of their responsibilities, offences and penalties.
6. The complainant is required to continue to keep a diary of the dogs barking habits for a further month. This will monitor whether the problem continues or improves as a result of any action taken. Council's Authorised Officers may also monitor the situation and conduct random patrols.

Council action

Council will appoint an Authorised Officer who will:

- Review the diary to establish barking patterns to try to determine the reason for the barking.
- Confirm that other nominated residents are being affected by the barking.
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If the Authorised Officer believes there is a problem with the dog, the officer will work with the owner until they have done everything possible to help correct the barking behaviour.

Specific action is taken at Council's discretion and Council officers can undertake any or all of the following:

- A verbal warning to the dog owner.
- A written letter of warning.
- A *Notice to Comply* issued to abate all nuisance noise immediately.

Council may issue an infringement notice if the dog owner fails to comply with the notice to abate the nuisance. Dog owners may be fined every time the dog barks and causes a nuisance.

If the noise complaint persists after an infringement notice has been issued, Council may proceed with legal action against the dog owner in the Magistrates' Court and seek a court order.

An infringement notice or legal proceedings will not be perused against the dog owner unless the complainant is prepared to testify in the Magistrates' Court.

Court orders

Where an order has been made by a Magistrates' Court, it must be complied with. Failure to do so is an offence and a magistrate may impose further penalties. Council may assist you with court action if the Authorised Officer believes:

1. The owner of the dog is not complying with Council's request.
2. The dog is a problem.
3. It is fully established that there is a case to answer and you have provided all the relevant information.
4. The owner of the dog has exhausted all avenues to resolve the problem.
5. The complainant is prepared to go to court.
6. For Council to be able to assist with Court action, a sufficient body of evidence must be provided to determine the validity of the complaint.

Remember, Council reserves the right at any time to suspend all actions under State Government legislation.

Your legal requirements for Court action

With complaints of this nature, Council can only work within the guidelines as stated in the *Domestic Animals Act 1994*. The only way you can abate the noise completely is to go to Court and obtain a Court order.

To take action in the Magistrates' Court, you are required as the complainant to provide information in relation to the matter. This includes providing a completed comprehensive diary over a period of time that shows a pattern of the dog's barking behaviour. Remember, in a Court of Law, the evidence you give may be subjected to cross-examination.

Council will not get involved in any domestic dispute between you and your neighbour. It is recommended that you contact the Disputes Settlement Centre in this instance.

Useful contacts

Dog Training Services

Bark Busters

1800 067 710

www.barkbusters.com.au

Puppy Pre School

Swan Hill Vet Clinic

03 5032 2483

Jackie's Dog Obedience

0427 521 350

Pet Care Information

Petcare Information and Advisory Service

www.petpositives.com.au

Victorian Government's Responsible Pet Ownership Program

13 61 86

www.agriculture.vic.gov.au/pets

Dogs Victoria

03 9788 2500

www.dogsvictoria.org.au

RSPCA

03 9224 222

www.rspcavic.org

Dispute Settlement Centres

In person or via post:

Mildura Office

59 Madden Avenue

MILDURA VIC 3500

Bendigo Office

81 Bull Street

BENDIGO VIC 3550

Phone:

1800 658 528

Email:

dsvc@justice.vic.gov.au

Websites:

www.disputes.vic.gov.au

Dear Neighbour

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

As a dog owner, you are responsible for the care and wellbeing of your dog. Barking, growling and howling are a dog's form of communication. They are telling you that something may be wrong and you may need to fix a problem. These noises, when in excess, can become a nuisance to people living within a nearby area.

Swan Hill Rural City Council recommends as a first step, I express my concern to you, to allow you the opportunity to rectify the situation without recording a complaint against you on Council's official register.

You can train your dog to not become a nuisance.

While dogs will bark to alert their owners of intruders entering the property, it is the responsibility of the owner to make sure they train their dog not to bark at normal occurrences such as cats, possums, birds and other dogs.

Barking at normal movements or noise from adjoining properties should be considered as unacceptable behaviour.

Your co-operation by preventing your dog from barking is all that is needed at this stage to avoid this matter progressing any further.

Thank you

Your neighbour

Barking Dog Complaint Form

Complainant's details	Name:	
	Address:	
	Home phone:	
	Work phone:	
	Mobile phone:	

Offending dog/s	Address:	
	Dog description:	
	Breed:	Color:

- Have you verified where the barking is coming from? Yes No
- Have you seen the dog/s barking? Yes No
- Have you spoken to the neighbours about this problem? Yes No
- Are you prepared to have the matter mediated? Yes No
- Have your neighbours mentioned this problem to you? Yes No
- If yes, are they prepared to support your claim? Yes No
- If yes, please provide witness details below:

Witness	Name:	
	Address:	
	Phone:	

What aspect of the noise are you specifically distressed about?

What is the level or nature of the noise?

Is the problem continuous or intermittent? Please explain.

How do the owners react to the dog's behaviour?

Is it a matter of timing? (i.e. Would the noise still be a problem if it occurred at an earlier or later time?)

Are there other issues involved? (i.e. Issues that are a problem that relate to the property in question or the area where you reside?)

What do you consider to be the solution to your problem?

Any further comments:

Declaration

I, wish to lodge a formal complaint with the Swan Hill Rural City Council in relation to the dog/s described above which bark persistently to such a degree that it unreasonably interferes with my:

- Peace
- Comfort
- Convenience

Signature of complainant: _____

Date: _____

