PAWSIBLE

BARKING DOGS

DOG CONTROL ACT 2000 (TAS)

KENTISH

Section 46(3) of the Dog Control Act 2000 states a dog is a nuisance if:

a) it behaves in a manner that is injurious or dangerous to the health of any person or

b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

Council has adopted the following as the baseline for Barking Nuisances:
That a dog that barks, bays, cries, howls, or makes any noise for an extended period of time may constitute a nuisance.

Such extended period of time shall consist of:

*** incessant barking for 30 minutes or more in any 24-hour period,**

*** or intermittent barking for 60 minutes or more during any 24-hour period.**

BEFORE FILING A COMPLAINT WITH COUNCIL

STEP 1.

1.**Identify** the correct address of the Barking Dog.

2.**Approach** the dogs owner when the problem arises and state your case clearly and politely. They may not be aware of the barking situation.

3.If the dog owner is **unapproachable** or you are not comfortable approaching them, try placing the '**Dear Neighbour**' letter or similar located on the Councils Website, into their letterbox.

If these are unsuccessful in resolving your concerns then you may approach Council.

LODGING A BARKING COMPLAINT WITH COUNCIL

STEP 2.

To lodge a complaint with Council you **must** first demonstrate that **you** have:

1.Spoken with your neighbour or used the Dear Neighbour Letter and tried to resolve the problem with them informally.

2. Complete the Barking Dog Complaint Form and forward to Council with the $31 Barking Dog Complaint Fee.

3. Keep a diary of the dogs barking habits for a period of **14 Days**

4. Forward to Council the 14 day Bark diary that has been completed by you within 7 days of completing it.

Council will review the diary to establish patterns and seek further evidence from neighbours if required.

5. **If a Barking Nuisance is confirmed**, Council will refund your $31 Application Fee and investigate.

6. **Council will notify** the dog owner of the alleged Barking Nuisance.

7. **Continue to keep a diary** of the dogs barking habits for a further 2 weeks. This will monitor whether the problem continues or improves because of any action taken.

8. **Notify Council** of any changes to the Barking Nuisance. If no improvement, then Council will proceed to Step 3 for Abatement.

ABATEMENT OF BARKING

STEP 3.

> If the Council believes that there is an issue with the dog/s a Notice to Comply to abate the barking can be issued.

> Should the dog owner fail to comply with the notice to abate the nuisance, Council may issue an infringement notice against the owner.

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

COURT PROCESS

STEP 4.

Council will only start taking court action if the Officer believes:

> The complainant is prepared to go to court.

> The owner of the dog is not complying with Councils request / Abatement notice

and

> The unacceptable level of nuisance has been confirmed

and

> The owner of the dog has exhausted all avenues to resolve the problem.

To take a barking dog complaint to court you are required, as the complainant, to provide all the information as it is you, not Council who will need to convince a Magistrate that the dog is a nuisance to you.

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COUNCIL WILL NOT ACT ON THE FOLLOWING GROUNDS:

> If at any time Council believes the complainant is not taking an interest in the complaint and has not done what Council has requested. The complaint will be closed, and the complainant will need to seek civil action.

> If a Council Officer determines that the barking is not an unreasonable nuisance, the complainant will be informed in writing and the complaint will be closed.

> If the complaint is vexatious, Council will close the complaint and the complainant will need to seek civil action.

> Council will not get involved in any domestic dispute between a complainant and their neighbour. If this happens, Council will inform the complainant to take their own legal action.

> When the diary and forms of Barking Complaint have not been completed and signed.





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 provides some of the main reasons why dogs bark:

- Lack of exercise
- Inadequate yard space
- Boredom or lack of stimulation, (Mental/Physical)
- Not enough human companionship
- Inadequate shelter from weather conditions
- Hunger or thirst
- Medical condition such as an illness or discomfort
- Provocation/Disturbances
- Change to family structure/separation anxiety that can lead to destructiveness, howling or escaping

TIPS FOR REDUCING BARKING

1) Make sure that you do not reward your dog for barking too much. Don't let the dog inside or give it attention when it barks. Instead, give the dog attention when it is quiet.

2) If the dog is barking at people or noises on the other side of a fence, move the dog to another part of the yard, or put up a barrier to keep the dog away from that area/fill in any gaps in fence that the dog can see through.

3) If the dog races along a path or fence barking at passing distractions, put barriers or obstacles in the dogs way to slow it down.

4) Ensure that the dog has adequate exercise and obedience training.

5) Make sure that the dog has food, water and shelter from the weather.

6) Attend accredited dog obedience training.

Dogs bark for many reasons and, if these simple tips do not help you, you may need to seek further advice.