



HAVE YOU GOT A DOG NOISE PROBLEM?

What can Adelaide Plains Council do to help?

The South Australian Dog and Cat Management Act states that Council may take action against a dog owner if their dog persistently interferes with your peace and harmony.

Convincing a dog owner to change their pet's habits is not easy, and the more information we have will enable us to more effectively resolve the problem.

Sometimes all that is required is for someone from Council to talk to the dog owner about the problem. We need your help to ensure we can give the dog owner as much information about the problem as possible. Therefore providing Council with a completed and detailed Dog Noise Record is essential.

Dog Noise complaints are difficult to deal with for a number of reasons:

- Each individual person will have a different view as to what is a noise nuisance. This will vary from the location of the dog to the complainant, noise tolerance level of the complainant and the type and length of barking.
- Information supplied by the complainant is based on their personal perception/experience of how the noise affects that individual.

Nuisance barking can be defined as:

A dog that:

- regularly barks at every person or dog passing the property or using part of the street, with barking continuing for a period of time;
- regularly barks, howls or whines for periods in excess of 10 minutes when the owners are absent or ignoring the dog;
- aggressively rushes, jumps, barks or growls at the fences;
- regularly barks during the night;
- regularly barks at the neighbours;
- Barks excessively for no apparent reason.

In certain situations the complainant's actions can worsen the dog's barking. This can be caused by:

- verbally abusing the dog in an aggressive manner;
- hitting the dog or the fence;
- hosing or throwing objects at the dog;
- teasing the dog through the fence (by children or neighbour);
- A cat entering the dog's property or walking along the fence line.

The complainant should consider doing everything within their power to ensure that they or something/someone within their control is not the cause of the nuisance barking. It is important that the dog noise issue is not due to hostility between two neighbours, a neighbourhood dispute



**Adelaide
Plains
Council**

2a Wasleys Road
Mallala SA 5502
PO Box 18
Mallala SA 5502

Tel – 08 8527 0200
Fax – 08 8527 2242
info@apc.sa.gov.au
apc.sa.gov.au

or dislike of the neighbour. The barking nuisance should be considered in isolation of all other matters and not used as a form of revenge or retaliation against a neighbour.

Essential Steps for Council to Proceed

The accuracy of information relating to the reason, time, date and duration of barking is crucial if the matter finally needs to go to court. If information collected is not accurate or legitimate, legal action may be lost. Video or audio taping of a dog is usually not admissible in court.

Correct identification and location of the dog barking is essential. Noise can and will travel in different directions. Ensure the location of the barking dog is correct. Sometimes complainants make the mistake of accusing a dog for nuisance barking when it is really another dog causing the problem.

To help you, please find enclosed a barking complaint sheet which you are required to fill in when the barking occurs. **Do not** try to remember at the end of each day or night as this will lead to mistakes in the accuracy of the diary. You must remember that the diary is a legal document that could become evidence in court, as such, be sure to complete the entry correctly.

Guideline for completing the Dog Noise Record is attached.

Unless the diary and cover are completed and signed *and* the statement section completed and signed, we *may not* proceed further with any investigations or action.

Additionally, for any formal action to be undertaken, it is helpful if the complaint is substantiated by another adjoining or nearby resident who is experiencing the same problem. Once the diary is complete, the investigating officer will make enquiries in this regard. If the complaint cannot be substantiated, we may not take any formal action. This is because we need a minimum standard of evidence to prove a case to a court if needed.

So What Happens From Here?

Once you have filled out the Dog Noise Record Sheets, return it to Council.

If sufficient evidence is received an Officer will approach the dog owner either in person, by letter or both. The dog owner will be advised that Council is investigating a complaint and advise them, if required, how they may resolve the noise.

A 7-14 day grace period will be given to the dog owner to see if problem can be rectified. We will contact you at this point and let you know when this grace period will end.

Once grace period has ended a further Dog Noise Record would be required to be filled out. This will provide Council information that dog owner may not be able to resolve the issue.

This Dog Noise Record will be inspected by an Officer and if clear enough evidence that the noise is considered to be a nuisance we will proceed with an investigation.

- During investigation Council can.



- Approach other nearby neighbours to gain further information or to see if able to help with the investigation including possibly filling out their own Dog Noise Record.
- Conduct Listening Posts where an Officer will sit for amount of time to listen and gain evidence by filling out a Dog Noise Record.
- Or we can do both.

If the Dog Owner Cooperates

If the dog owner cooperates then things become a little easier. Depending upon the nature of the problem, it may take some time to correct a habit of the dog.

Until the matter has been resolved it would be valuable to maintain Dog Noise Record Sheets to monitor progress.

What happens if the Dog Owner Does Not Cooperate?

If the dog owner refuses to cooperate, the process becomes quite formal.

If Council able to gain clear evidence of a dog creating nuisance by noise. Council then has the power to issue expiations (fines) or serve an order (a legal document) on the dog owner to take reasonable steps to abate the noise.

After this time Council may also give you and other complainants further Record Sheets to fill out during this period. It is very important that you do so as this may have to be produced as evidence in Court that the problem has not been rectified. **If we do not receive all the Record Sheets, or if they are not completed, we will not be able to proceed any further.**

Legal Action

If things have not improved, the Council will consider taking legal action. Legal action is not automatic and depends on our assessment of each case. Should Court action be necessary, **you may be asked to appear in court as a witness.**

If you do not wish to do this, then Council cannot proceed any further with the investigation.

It may also take some time to obtain a hearing date at the Court. During this period you must keep an up to date record of the noise and the effect it has on you.

Should Court action be successful, Council will ask that the Court orders the dog owner to seek some special help (usually from a vet or other qualified person) to correct their pet's problem. Council may ask the Magistrate to order that specific controls be placed on the owner of the dog. Assuming that the Order is given and they comply with it, this should have the desired result



Application to Council re Dog Noise Problem

1. Applicant's Details

Given Name _____

Family Name _____

Street Address _____

_____ Postcode _____

Postal Address _____

_____ Postcode _____

Home Telephone _____ Business Telephone _____

Mobile _____

Email _____

2. Dog Description (if known)

Address dog(s) kept at _____

_____ Postcode _____

Owner's Name _____

1st breed of dog _____ Colour _____

2nd breed of dog _____ Colour _____

3. Barking dog details

Describe the dog's barking and why it is a nuisance to you (use the checklist below to assist you)

<ul style="list-style-type: none">• How often does the dog bark?• How long does the barking continue for?• What sort of noise does the dog make?• Does it bark at certain times of the day?• Does it bark in response to passers-by or other stimulus?	<ul style="list-style-type: none">• Where is the barking in relation to your property?• Does the barking interfere with any of your normal activities?• Does the barking impact on your health or wellbeing?• How does the barking impact on other members of your household?
--	--



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

4. 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?

5. During which time does the dog bark regularly?
- ☐ 12:00am – 7:00am ☐ 7:00am – Midday ☐ Midday – 5:00pm
- ☐ 5:00pm – 8:00pm ☐ 8:00pm – Midnight

6. What area of the property is the dog barking at? ☐ Front ☐ Back ☐ Side of Fence Line
☐ Other

7. When the dog barks what is it doing?
- ☐ Runs along the fence line ☐ Front ☐ Back ☐ Side of Property
- ☐ Jumps at the fence ☐ Front ☐ Back ☐ Side of Property
- ☐ Sits or stands in one spot ☐ Other

8. 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

9. What action do you think might solve the problem?

10. How long do you estimate that this problem has been going on for _____

11. Declaration

I hereby declare that all particulars given by me in this application are true and correct.

Signature _____

Date _____



**Adelaide
Plains
Council**

2a Wasleys Road
Mallala SA 5502
PO Box 18
Mallala SA 5502

Tel – 08 8527 0200
Fax – 08 8527 2242
info@apc.sa.gov.au
apc.sa.gov.au

Dog Noise Record

It is important that this diary is accurately completed with actual dates, times and description of barking and its impact on you.

Example

Date	Start	Finish	Description	Reason (if known)	Impact
20/05/2010	8.00 am	8.15 am	loud barks	Children going to school	Interrupted phone call
20/05/2010	8.30 am	9.00 am	Continued high pitched wailing	Owner left to go to work	Upset because dog obviously upset
20/05/2010	10.05 am	10.10 am	loud barks	Bird flying overhead	Frustrated at and for dog
20/05/2010	10.20 am	11.25 am	Protracted, intermittent barking	Not known	Annoyance and irritation

This may seem excessive but remember you or Council may be required to present this diary before a Magistrate as accurate evidence of the dog's nuisance behaviour.

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Nosie Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Nosie Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____

Dog Noise Record

Suspected location/s of dog(s) barking: _____

Compliance Officer Investigating: _____

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: _____ Phone No (Optional): _____

Address: _____

Signature: _____

Date: _____