



# CALISTOGA POLICE DEPARTMENT

---

1235 WASHINGTON ST. CALISTOGA, CA 94515 • (707)-942-2810

Date:

Dear Sir or Madam,

Please find enclosed some information to assist you and your neighbor in resolving the barking dog issue.

We encourage you to work with your neighbor to resolve this issue. Many dog owners are unaware that their dog may be a nuisance while they are not at home or that it disturbs their neighbors. Many dog owners react well to such friendly approaches and such an approach may avoid a defensive and uncooperative attitude developing out of an official visit by the Police Department.

Your neighbor has been contacted or will be contacted soon and will be given a barking dog solution packet. We hope this information will help your neighbor solve the problem.

Please complete the barking dog diary as accurately as possible. This will help your neighbor solve the parking and if necessary, will be required if a formal complaint is filed.

Please contact us at 707-942-2810 if we can be of further assistance.

---

Responding Police Officer and ID#

#### **6.04.185 Prohibited conduct.**

---

A. No owner or possessor of any animal shall cause or permit it to do any of the following:

1. To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.
2. To suffer or permit such animal to habitually bark or meow or act in such a manner as to continuously disturb the peace of any citizen or to be a public nuisance.
3. To be without proper and adequate food, water, shelter, care, and attention as described in Section 597(f) of the Penal Code.

B. No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such a manner as to subject the animal to extreme temperatures which may adversely affect the animal's health or safety.

1. Any Animal Control Officer or Law Enforcement Officer who witnesses a violation of this section shall have the right to impound the animal if, in the Officer's opinion, the animal's health or safety is or will be thereby endangered.

C. No person shall interfere with, harass, hinder or molest the Animal Control Officer in the performance of duties, or seek to release any animal in custody. (Ord. 693 § 2, 2013; Ord. 511 § 1, 1995).

**8.20.010 Persistent noise – Declared nuisance – Abatement.**

---

A. The persistent maintenance and emission of any noise or sound produced by human, animal, electrical, radio or mechanical means between the hours of 10:00 p.m., and 7:00 a.m., next ensuing, which by reason of its raucous or nerve-racking nature, disturbs the peace, quiet or comfort, or is injurious to the health of any person, constitutes a public nuisance.

B. Whenever the existence of any such nuisance comes to the attention of the Chief of Police, it shall be the Chief's duty to notify in writing the occupant of the premises upon which said nuisance exists, specifying the measures necessary to abate such nuisance, and unless the same is abated within 48 hours thereafter the occupants so notified shall be guilty of a violation of this chapter and the Chief of Police shall summarily abate such nuisance.

## Complaint information

Nuisance barking 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 complainant, type of barking and time or length of barking
- Information supplied by complainant is based on personal recollection and findings, as to how the barking affects that individual

Nuisance barking can be defined as follows:

- Dog regularly barking at every person or dog passing the property or using part of the street, with barking continuing for a period of time
- Dog regularly barking, howling or whining for periods in excess of ten minutes when the owners are absent or ignoring the dog
- Dog aggressively rushing, jumping, barking or growling at any of the fences
- Dog regularly barking during the night
- Dog regularly barking at the neighbors
- Dog barking excessively for no reason or apparent reason

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

Identification 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 another dog causing the problem.

In certain situations, the complainant can unintentionally worsen the dog's barking. This can happen by one of the following actions:

- Verbally abusing the dog in an aggressive manner. From the dog's point of view, yelling sounds like you are joining in the merriment
- Hitting the fence or dog
- Spraying the dog with water, throwing objects at the dog or teasing the dog
- Neighbor's cats entering the dog's property or walking along fence line. (If this is the case, the neighbor must restrain cats from the dog's yard.)
- Standing on a ladder and peering over the fence to video the dog can appear very threatening to the dog

Have the circumstances of the dog owner or complainant changed? Barking may increase if changes have been made to the dog's environment, such as:

- Change to dog owners work hours
- Someone leaving the house
- New occupant in the house
- New neighbors
- Change in the number of dogs
- New baby in the house

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. This, in conjunction with the dog owner's efforts, will help in reducing the barking. Making friends with the dog helps. Check with the owner about providing treats for the dog or other ways you can befriend the dog.

Some dog owners find it extremely difficult to believe that their dog is causing a nuisance by barking while they are not home. A dog will not usually be barking when the owner is arriving home. Dogs generally tend to bark less when their owners are at home.

The dog owner should be informed as soon as the barking becomes excessive. If the complainant decides to directly approach the dog owner, it is important to be civilized when explaining the problem to the dog owner. This is where the Barking Dog Diary will be helpful.

It is important that a barking dog issue does not arise out of hostility between two neighbors, a neighborhood dispute or a dislike of the neighbor. The barking nuisance should be considered in detachment to all other matters and is not used as a form of revenge or retaliation against a neighbor, as the dog's life may be at issue here.

The complainant should remember that as much as the barking may be disrupting their life, the dog owner would need sufficient time to deal with the problem. The complainant's support and information will greatly assist the dog owner in this area.

## Barking Dog Diary

Address of barking dog: \_\_\_\_\_

	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Date							
Start time of barking							
End time of barking							
Type of barking							
Constant							
Intermittent							
Owner is home							
Owner is not home							
As soon as gone							
Within how many minutes							
Where is the dog							
In house							
In garage							
In yard - loose							
In yard - leashed							
When barking, dog							
runs along fence							
sit/stand in one spot							
other:							
If more than one dog, which is barking?							
Dog barks at:							
Mail person							
Delivery							
Passerby							
Dog							
Cat							
Bird							
Other							
Nothing							
Why do you think the dog barks?							

Upon completion of diary, please return it to the Calistoga Police Department at 1235 Washington St.

The diary can be faxed to 707-942-2819 or e-mailed to YGALVAN@CI.CALISTOGA.CA.US

Complainant must be prepared to go to court and provide testimony if required.

Complainant's Name: \_\_\_\_\_

Complainant's Address: \_\_\_\_\_

Complainant's Telephone: \_\_\_\_\_