

## MUNICIPALITY OF THE DISTRICT OF YARMOUTH

### **PROCEDURE FOR BARKING DOGS**

Effective Date:  
April 1, 2004

1. All complainants must be willing (if required) to testify in court if the dog owner pleads not guilty to the Summary Offense Ticket. Complainants should be aware that they may be subpoenaed.
2. There should be at least two separate complainants before any investigation (where possible). **See complaint procedure below.**
3. Complaints about first time offenders should be treated as a warning with care taken to explain to the owners that a second complaint could result in a fine.
4. All complaints shall be followed up. Cases where the disturbance occurs between the hours of 11:00 p.m. and 6:00 a.m. may be charged. Cases where the disturbance occurs between the hours of 6:00 a.m. to 11:00 p.m. may be charged.
5. Any dispute that is clearly a result of neighbor unrest should be described in detail to the By-Law Committee to help ascertain exactly the direction to be taken.
6. All charges must be approved by the CAO or Deputy CAO and, in his/her absence, the Solicitor and reported to the By-Law Committee.
7. To utilize a decibel meter where applicable following certain criteria.
  - a) The meter will be used at the Municipality of Yarmouth's discretion.
  - b) The meter will be used as a tool only and not as a definitive measure.
  - c) The meter will be used as a resource to augment an investigation along with other acceptable techniques

#### **Complaint Procedure**

It is extremely important for ensuring success in prosecution that the following questions are asked, and that as much information as possible is obtained and documented from the complainant.

Identity of dog(s): Civic address of property on which dog is situated. Who owns the dog(s)? Number of dog(s) barking? Where the dog(s) observed barking? Distance between complainant's home and the dog(s) barking.

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- ▶ If dog barks at night, how can the complainant be certain as to the identity of the dog(s)?
- ▶ How is complainant certain that the dogs are in fact owned by the person alleged to be the owner?
- ▶ On what days are the dog(s) barking?
- ▶ Describe the barking: How long does it last? Is it howling? How often does the barking repeat itself?
- ▶ What was the complainant doing when the dog(s) were barking? (Information must be specify.
- ▶ In what way did the barking dog disturb the complainant?

Note: The answers to the above noted questions must be specific. A Court will not convict if the complainant is only able to say that a dog barks “all the time” or “a lot” and that it really “bothers me”. A Court must be told when exactly the dog barks, the nature of the barking and the manner in which it disturbs the peace and quiet of the complainant.

The enforcement process is as follows:

On a first call, information of the complaint is received. A visit to the owner's home and a verbal warning to the owner as well as a copy of the by-laws are given so that the owner may be educated as to what their responsibilities are. On the second call, the owner would be given a written warning with the support of a written statement signed and dated from the complainant detailing the dates and times of the dog's barking. A third call would be a final warning, also accompanied by the complainant's statement. If this is a persistent problem and the owner has not taken measures to remedy their noisy dog, the final course of action would be to prepare a file for prosecution. If this is a situation where there appears to be one complainant continuing to call, a poll of the neighborhood should be conducted.