



MUNICIPALITY OF **West Elgin**

Barking Dog Incident Process

Please read this before you sign. By signing this “Barking Dog Incident Log”, you are stating that during the date(s) and time(s) indicated above, the noise of this particular dog was loud, annoying and disturbed you personally.

The Municipality recognizes that at certain times, by-law contraventions can negatively impact quality of life and disturb activities. When Municipal Law Enforcement Services becomes involved, the Municipality works toward a resolution.

When the Municipality receives a by-law complaint regarding excessive or persistent noise, especially with regard to the barking of a dog or other by-law contraventions that require continual monitoring, the process described below may be necessary:

1. A notice is sent to the owner/occupant of the property where the concern is located. Sometimes, an owner/occupant may not be aware of a problem and this notice will be enough to correct the issue.
2. For some investigations, at the same time a notice may be sent to the complainant. At this stage, all information with respect to the complainant (i.e. name, address) is kept strictly confidential. However, if the contravention continues to negatively impact the complainant, the Municipality may require the complainant's involvement and cooperation to help bring closure to the matter.
3. In order to gather evidence with respect to the contravention which has been brought to the Municipality's attention, the complainant may be required to record the following information in a log format:
 - how the contravention is disturbing (i.e. trying to sleep)
 - the location on their property when the contravention disturbed
 - visual information about the source of the contravention (observed dog barking, type of dog)
 - time of day contravention disturbed
 - how long the contravention disturbed

Note

Once the complainant has the above information for at least 15 occurrences within a 30-day time frame in which the contravention has disturbed them contrary to a by-law, they are requested to contact the Municipality to discuss possible charges being laid.

The ten (10) occurrences must be **after** a formal complaint has been registered and the notices sent out; the Municipality will not proceed unless the notices have already been sent. This ensures the occupant/owner has ample opportunity to take mitigating measures.

The information collected may be entered as evidence if by-law charges are commenced. The complainant will be required to testify in court on the evidence collected in the presence of the occupant/owner of the property from which the contravention has disturbed them. The complainant may also be asked questions by the alleged violator or their legal representative with respect to the evidence collected.

The Municipality hopes this information has been of assistance to you and has clarified the Municipality's role in assisting citizens in resolving by-law contravention issues.

A resident may elect to file a noise complaint against the owner of a dog that interferes is creating a disturbance by barking, howling or yelping There are two scenarios as described below.

Dog IS Barking in the Presence of an Officer (Police Officer or Municipal Law Enforcement Officer)

- Dog must be continually barking for (20 to 30) minutes or more.
- The dog must be barking in the presence of the officer.
- A citation may be issued based on the circumstances.

Dog IS NOT Barking in the Presence of an Officer (Police Officer or Municipal Law Enforcement Officer)

- Dog must be continually barking for (20 to 30) minutes or more.
- An officer cannot issue a citation because they did not witness the dog barking. They are relying on information provided by you to prove the case.
- On the first reported complaint, notification will be made with the pet owner informing them that their dog is disturbing and that they need to correct the situation.
- A "Barking Dog Incident Log" will be provided.
- The "Barking Dog Incident Log" will provide information to the prosecutor that increases chances of conviction. The "Barking Dog Incident Log" helps establish the barking dog as a nuisance and increases the chances of conviction.
- Additional information such as audio, video, or digital recordings help provide evidence that the barking dog is a nuisance.
- To increase the possibility of legal action and charges being filed, please include additional witnesses, such as neighbors residing within the vicinity, who are willing to complete a complaint form and appear in Municipal Court. You may file a complaint without additional witnesses. However, it may become a situation whereby it could be the pet owner's word against yours.
- There is no set threshold on how many times a dog must bark or how long a dog has to bark but the rule of thumb is 20 to 30 minutes or more continuously, but each case can be based upon

its specific elements.

- The case will be decided upon information provided by you. Therefore, it is recommended that you be as detailed as possible and provide as much evidence as possible.
- **If you need more log space just print off more log pages and number them so we have what is needed for the courts.**

Complainant's Signature: _____ Date: _____

Complainant's Name (Print): _____

Complainant's Address: _____



Barking Dog Incident Log

One entry per incident where the dog barked continuously for at least (20 to 30) minutes. And it must happen at least a dozen times per day, this ensures we have the evidence to lay a charge.

#	Date	Time Started	Time Ended	Were owners home <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	Location of Dog	Your Location	Description of Events
1				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
2				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
3				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
4				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
5				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
6				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
7				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
8				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
9				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
10				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
11				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
12				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
13				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

Additional Comments: