

The Barking DOG

Orange County Animal Care Services (OCACS) receives numerous calls daily regarding complaints of excessively barking dogs and other "noisy" animals. These calls are considered part of the "Nuisance Complaint Procedure." The following information will be helpful in determining whether a nuisance situation exists. It will also clarify the roles of OCACS and the parties involved in resolving the situation.



SUGGESTIONS for owners:

Once a complaint has been filed, dog owners may have questions. Again, OCACS will not impound a dog solely for a nuisance complaint.

- ❗ If an owner needs advice, OCACS is more than willing to provide information on humane solutions.
- ❗ Owners should interview neighbors to check if and when their dog may be a nuisance.

Owners are often concerned that the complaint is unfounded. OCACS realizes that some complaints are the result of other factors (misidentification, neighbor disputes, etc.). The procedure will continue until the evidence proves the complaint is unfounded.

For further questions or information about the Nuisance Complaint Procedure, special situations, or any other Animal Care issues, Please call (714) 935-6848.



THE BARKING DOG

Nuisance Complaint Procedure



Orange County Animal Care Services
561 The City Drive South
Orange, CA 92868

Open seven days a week
Main line (714) 935-6848
www.ocpetinfo.com

What is a "nuisance animal?"



The legal definition of a nuisance animal is found in Orange County Codified Ordinance 4-1-48. "No person shall keep, maintain, or permit, either willfully or through failure to control, on any lot, parcel of land, or premises under his control any animal which by sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property except noise on property used for agricultural purposes which is normally associated with animals on property used for such purposes."

Who decides whether an animal is a nuisance?

OCACS does not investigate whether the law is violated, nor does it determine consequences. If the case does proceed to court, a judge will hear evidence and then rule. OCACS does not "take sides;" rather, the agency's position is to assist both the complaining party and the dog owner in resolving the situation.

What can I do about a barking dog in my neighborhood?

 First, find the source of the disturbance. The owner's address, the description of the animal, and the time of disturbance are essential.

 Second, contact the dog owner. If the dog barks when the owner is not home, the owner may not know there is a problem. Once alerted to the possible situation, the owner can contact OCACS for advice.

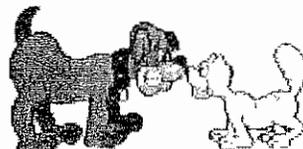
 Third, if the situation still exists, contact OCACS. The Operations Department oversees the Nuisance Complaint Procedure, but telephone clerks at the main line (714) 935-6848 will take information as well. (See "nuisance complaint procedure.")

Why can't Animal Care Services just come take the dog?

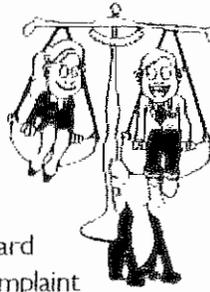
It is illegal and impractical. As OCACS does not judge whether the law has been violated, there are no legal grounds to remove a citizen's pet from private property. The Animal Care Center could not house even a small percentage of the number of "barking dogs." Even if room existed, many owners would redeem their dogs the next day and the situation would still exist.

I've filed a complaint, what happens now?

The Nuisance Complaint Procedure consists of a number of steps. The ultimate resolution of a court case occurs only after all the steps have been filed. (The majority of situations are resolved long before this final step.) The process is lengthy, but required if the case proceeds to court. The complaining party's identity will be kept confidential until the final steps.



Nuisance Complaint Procedure

1. The complaining party initiates a complaint. If the owner's dog is not currently licensed, an Animal Control Officer will contact the owner in person. If the dog is licensed, a postcard notifying the owner of the complaint is sent. The complaining party is mailed a letter that details the complaint process. 
2. The owner is given 7-10 days to resolve the situation. If the situation still exists, the complaining party must recontact OCACS. (If OCACS is not contacted within three months of the initial filing, the file will be purged.) A formal letter which defines the nuisance law and advises of possible legal action is mailed to the owner.
3. The owner is given 10-14 days to resolve the situation. If the situation still exists, the complaining party should call OCACS who will mail a Nuisance Statement Form. The complaining party uses this to report the history of the situation and returns the form to OCACS.
4. OCACS issues a Notice to Abate to the owner. A petition packet is mailed to complaining party. The owner is given 15 days to abate the problem. After 15 days, the complaining party and involved neighbors have 60 days to compile the petition packet (legal evidence). This is then returned to OCACS.
5. The case is reviewed by OCACS. An Animal Control Officer issues a Notice to Appear with a court date to the owner. Evidence is forwarded to court.