



### Barking Dog Complaint Procedure

In order to assist residents and dog owners in resolving the problem of barking dogs, we offer an explanation of the process and procedures required in order to meet the elements outlined in the law.

Both West Valley City (WVCMC) and Taylorsville (TMC) Municipal Code provides a remedy for barking dogs under 23-5-101 and 8.24.015 respectively – Animals Causing a Nuisance; both ordinances state basically the same thing: That a nuisance includes any animal which barks, whines, howls or makes other disturbing noises in a continuous manner; in addition, one code references untimely and the other annoyance. Because the codes are subjective as to what is “untimely, continuous, or annoying” we have to rely on our experience with the courts and their previous decisions to decide if the evidence rises to the standard the court needs. This is sometimes referred to as case law. In order to meet the burden of proof that a dog’s barking is “annoying, continuous, or untimely” we have adopted the following procedure to gather what is needed to meet the burden of proof in court. The following are the steps required:

1. When a complaint is first received it will be logged in our database. We will need information on the dog, the owner, the address, etc. This information will be used to perform a search for previous complaints, as well as other possible violations such as licensing. A Courtesy Notice may then be mailed to the dog owner advising them of any violations we found and/or violations we have received complaints on. Hopefully this will take care of the problem. In case this doesn’t solve the problem, the complainant will need to keep a Barking Dog Log for several days (we suggest a week but this could be shorter if the log fills up quickly) in order for a citation to be issued. This way we have a log of times, and the duration of the barking so we can see if this is “excessive, continuous, or untimely.” Please note on the log the times you were not at home to hear or log barking so this is not viewed as a time when barking did not happen.
2. If the barking continues, the complainant will need to let us know it is continuing and that the first step didn’t work. They will need to turn in the barking dog log from step 1 and fill out a statement, and attest by signing the statement and the log, that the log is accurate. (filling out a false statement can be a crime and punishable under Utah State Law Title 76 Chapter 8 Part 5 Sections 504 and 504.5) This log will be reviewed by Animal Control Officers who have experience with the court system. If the log does show “annoying, continuous, or untimely” barking, based on case law and the officer’s experience, a citation may be issued to the dog owner/resident that carries a fine of up to \$100 WVCMC, \$50 TMC. Statements from several neighbors may also be gathered by the officers to help us understand the extent of the problem and help meet or defeat the elements needed to issue a citation.
3. After the first citation is issued, and the problem is not resolved, the Barking Dog Log will need to be continued and a notification made to us that the barking is continuing. An officer will look into it in the same manner as before and a second level citation carrying a fine of up to \$200 WVCMC, \$100 TMC, may then be issued.
4. After the second citation is issued, and the problem is not resolved, the Barking Dog Log will need to be continued and we will need to be notified that the barking is continuing. The officer that has been working the case will then be dedicated to putting together a case for a third citation and possible revocation of the right to have a dog. If the officer finds, after talking to the complainant, talking to neighbors, gathering evidence, etc. that the barking is still “excessive, continuous, or untimely” they may issue a third citation with a fine up to \$400 WVCMC, \$100 TMC. If this is the third citation within a 12 month period in WVC or 24 month period in Taylorsville the officer may also request a revocation of the right to possess the dog under WVCMC 23-3-104 or TMC 8.40.030.