

Barking Dog Complaints

Barking dogs are a nuisance only to the neighbors of the offending dog owners; Therefore, it is not generally effective to rely on a police officer to investigate these types of cases. Often, by the time an officer can respond to the scene, the dog is no longer barking. It is therefore necessary that a complaint be fully documented by the best witnesses to the offense; the neighbors themselves.

The town's barking dog ordinance, codified under 6.08.090 provides as follows:

6.08.090 Barking dogs declared a nuisance when. For any person(s) to harbor any dog(s) which by its barking, howling, crying, or making any other noise which by its volume or frequency unreasonably disturbs or interferes with the peace of any person(s) for more than fifteen minutes in any one-hour period of any day, and is documented by the complainant by three or more separate episodes of such noise in a sequential seven-day period and summarily turned in to the Odessa police department. The burden is upon the owner of such dog(s) to maintain quiet. Exceptions to this section are commercial facilities in compliance with Chapter 17.36, Schedule of Uses, or those who can substantiate that such dog barking was caused by an injury or illness of the dog(s) or by willful trespass, torment, or abuse of the dog(s) on its property by others. (Ord. 700 §1, 2018; Ord. 544 §2, 1999; Ord. 322 §10, 1976).

Specific information is required to prove the elements of any offense. Therefore, it is necessary for the complaining witness to maintain a log regarding the offenses as they occur. These logs serve as more reliable evidence than a person's memory after the fact, and each instance of barking must be thoroughly documented before the complaint can be filed. A complaint may be

stronger if it is supported by more than one neighbor. Therefore, anyone who may be a witness at a hearing should either keep a log themselves or be in close contact with the complaining witness.

The following information is required when filing a [Barking Dog Complaint Form](#):

1. A completed [complaint information form](#) that includes the correct address where the dog(s) resides and a name of the dog owner(s).
2. A completed Barking Dog log that includes the following detailed information:

Date and the start and end time of each barking interval (Please note that a denotation of "all day" or an otherwise incomplete time frame is insufficient to file charges. Barking must be continuous for 5 minutes or more and have at least 3 days worth of nuisances on the log. Days do not have to be consecutive.)

The specific location of the dog and the location of complaining party (Barking must be audible within a neighboring enclosed structure not on the dog owner's premises.)

The identification and/or description of the offending dog (When called to testify, the complaining party must be able to positively identify which dog is creating the nuisance.)

Was the dog provoked? (The complaining party must be able to testify as to wither or not the dog was provoked into barking. Please note that provocation requires more than someone merely walking by the dog's location but paying no attention to the dog.)

If you have questions about the barking dog ordinance or filing a complaint, please contact the Town Hall or Odessa Marshal's Office.