

Nuisance Noise Complaints (Barking Dogs)

What constitutes a Nuisance Noise Complaint?

RCMC 6.02.040: In residential zones of the city, it is unlawful for any person(s) owning or having control of one or more animals ("responsible person"), either willfully or through failure to exercise proper control, to allow such animal to habitually or continually bark, howl, crow, or make any other loud noise in such a manner as to at any time, day or night, cause general annoyance or discomfort to a neighboring inhabitant. The standard of general annoyance or discomfort is a "reasonable person" standard, i.e., the noise is such that a reasonable person, under the same or similar circumstances, would suffer more than minor annoyance or discomfort.

Filing a Complaint

We recommended that neighbors discuss problems and resolve them together in the most civil manner possible. If this is not effective or it is not a reasonable option, our department can file a nuisance animal noise complaint on your behalf. Nuisance noise complaints may be filed with the Animal Center's Field Service Division at (909)466-7387 ext. 1.

The Nuisance Noise Process

First Complaint

We would need the complainant's contact information (first and last name, phone number, and address) and the address of where the animal owner lives. We cannot accept anonymous complaints. On an initial complaint, a courtesy letter and information on how to reduce the potential cause of the noise problem will be mailed out to the animal owner. There is a 10 day waiting period before a 2nd complaint can be taken. This waiting period allows for the courtesy letter to be sent to the animal owner and gives the owner an opportunity to correct the alleged problem.

Second Complaint

Upon receiving a second complaint, either orally or in writing, a minimum of ten days after the initial letter has been issued, the complainant(s) will be sent nuisance animal noise complaint forms, with instructions that, if the nuisance is not abated, they may complete and submit these forms. At least one neighboring inhabitant in a separate household must complete additional forms. The complainant(s) must complete and sign the forms under penalty of perjury, and return the original copy of the form to our Department.

At this point all complainants must be able to articulate the details of the nuisance and be willing to appear at an administrative hearing to provide evidence and testimony in support of the violation. Included with the complaint forms will be a waiver application. The two-complainant requirement can be waived, if credible evidence determines geographic or other circumstances

exist whereby a noise disturbance caused by the animal(s) can only affect only one residence.

Such evidence may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons who can personally attest to the noise nuisance. These wavier applications are subject to review and approval by the Senior Field Services Officer or designee.

Once our Department receives the formal complaint forms and it is determined that there is probable cause to believe a violation of RCMC 6.02.040 has occurred or is occurring, an abatement/compliance order can be issued to the animal owner. The order will notify the animal owner of the substance of the complaint and require corrective action within fourteen days. The letter will also explain the process and potential costs/consequences for all parties if the matter proceeds and results in the issuance of a citation, and will encourage the parties to attempt to resolve the complaint themselves. If that is unsuccessful, the letter will further recommend that the parties seek mediation services and will provide information on available free and low cost medication services.

Third Complaint

If, after the fourteen day period, the nuisance continues the complainant(s) may submit a **Declaration in Support of Administrative Citation**, which was included with the formal complaint forms. Once received administrative citations can be issued. Additional citations can be issued if the nuisance continues until either the animal owner abates the problem and complies with our city municipal code or the animal owner files for an appeal. If an appeal is filed we will not issue additional administrative citations until the animal owner has had an opportunity to contest the citation they already received.

If, at any time during the complaint process we do not receive additional complaints within 60 days of any last contact with the complainant, our department will reasonably assume that the barking has ceased to be a habitual nuisance and the complaint will become inactive. In this event, additional complaints would start the process from the beginning.

If you have any questions regarding this complaint process or any other Field Services issues, please feel free to contact us at (909)466-7387 ext. 1 or Field.Services@cityofrc.us We also recommend exploring civil remedies for nuisance complaints; information is available at <http://www.courts.ca.gov/home.htm>