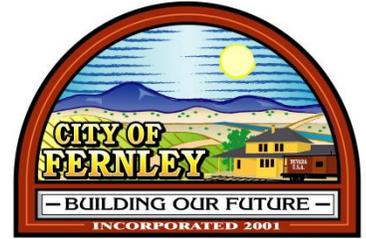


NOISY ANIMAL COMPLAINT PROCESS



Fernley Municipal Code 6.01.05 (A) - Noisy Animals

It is unlawful for any person to keep, harbor or own any animal which, by loud and frequent barking, yelping or other noise, constitutes a nuisance as defined in Nevada Revised Statutes 40.140.

It is not illegal for an animal to make noise; but chronic noise and/or noise for long periods of time constitute a legal nuisance. It is a natural action of dogs to bark. However, this behavior can cause distress and discomfort to people

Dogs do not bark "all day" but generally bark as a result of external stimuli for example:

- Hearing another dog bark;
- The presence of a cat;
- The presence of a bird; or
- Persons approaching or passing by the place of residence.
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Other behavioral issues include:

- Boredom;
- Lack of physical exercise;
- Being lonely and wanting company; and
- Lack of Training.

It is the responsibility of the dog owner to minimize any adverse affects that may be attributed to any of the above causes for nuisance behavior.

Step One:

If you are experiencing problems with a neighbor's dog, first we encourage you to contact the barking dog owners to let them know of the barking problem. Simple neighbor communication could be the start to the resolution of the problem. Many times the owner is unaware of the problem or the extent of the problem. Your neighbor may have already been advised of the problem and could be in the process of resolving the barking nuisance. It is helpful to talk to or leave a note for the animal owner. Although this may be difficult to do at first, communicating with the animal owner is usually the most effective way to resolve the problem.

Talk to your neighbor:

- Try to talk to your neighbor when you are not frustrated about the barking.
- When you approach your neighbor, be calm and plan to discuss the barking in a friendly manner.
- Inform your neighbor of the time of day or night that the dog is barking.
- Ask the neighbor whether you can contact him or her, day or night, when the barking is a problem.

If leaving a note for your neighbor:

- Explain what the dog does when the family is away from the residence.
- Choose words that are not offensive or intimidating to the dog owner.
- If you feel safe doing so, include your name, telephone number, or address so the neighbor can respond to your letter.

Step Two:

Contact Fernley Animal Control to speak with the Animal Control Officer. The officer will advise you to start a Barking Dog Log for a period of fourteen (14) days (A barking dog log is included in this packet for your convenience).

The officer will then respond to the residence where the barking dog resides and issue or post a Notice of Complaint. The Notice will advise the responsible person that a complaint has been lodged, the complainant has been advised to start a Barking Dog Log for a period of fourteen (14) days and notify the responsible party that failure to take corrective action to resolve the issue may lead to the issuance of a citation.

Step Three:

If the pet owner fails to take corrective action after receiving the Notice of Complaint and you have at least fourteen (14) days of documented dates and times of barking or other noise you must:

1. Contact Animal Control for a follow-up to your initial complaint.
2. Complete and sign a Complaint Form
3. Provide the Animal Control Officer a copy of the barking dog log.
4. The Animal Control Officer will have you sign a misdemeanor citation. (Pursuant to NRS 207.280 it is unlawful to report a misdemeanor violation knowing such report to be false, and by doing so a person is guilty of a misdemeanor)
5. The Animal Control Officer will conduct an investigation in the neighborhood to try to obtain any witnesses to the offense and obtain witness statements.

The Animal Control Officer will have you sign a citation. You will be the complaining party on the citation.

If a citation is issued and contested, you will be subpoenaed to appear in Court as a witness if the dog owner requests a trial.

If you do not contact animal control within 30 days of your initial complaint you must start the complaint process over.

Confidentiality

Fernley Animal Control will not reveal the name or address of the complainant when issuing a Notice of Complaint; however, Complaints will not be accepted anonymously. The complainant must go on record as the person who is disturbed by the nuisance barking. A complaint cannot be filed by a person on behalf of another party. As an example, a property management company, or a landlord cannot file a complaint on behalf of their tenants.

Animal Control
Noisy Animal Policy and Procedure

Animal Control Officer will:

- Respond to the address of any complainant wishing to file a Barking Dog Complaint.
- Provide the complainant a "Noisy Animal" packet.
- Explain the barking dog complaint procedure to the complainant.
- Respond to residence where the barking dog resides and issue or post a Notice of Complaint.
- If the complainant calls back after the fourteen (14) day period and advises the Animal Control Officer that the dog is still barking the following will occur:
 - Review Complainants Barking Dog Log to ensure that the complaint has kept a record as required.
 - Explain the citation process to the Complainant, include that they may have to testify in court.
 - Offer the Complainant the opportunity to sign a misdemeanor citation.
 - Have the Complainant complete a **Statement Form**
 - Serve the citation on the dog owner and explain how the process works.
 - Conduct an investigation in the neighborhood to try to obtain any witnesses to the offense.
 - Take Witness Statements from any witnesses.
 - All Statements will be kept in an appropriate file and copies will be provided to the City Attorney upon request.