

## INFORMATION TO HELP WITH BARKING DOGS IN THE CITY OF PHOENIX

When there is a problem with barking dogs, 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.

Talking to your neighbor:

- Try talking to your neighbor when you are not frustrated about the barking.
- When approaching your neighbor, be calm and 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 in the note so your neighbor can respond.

### MEDIATION SERVICES SOLVE PROBLEMS

If talking to or leaving a note with the animal owner does not work, **try mediation**. Mediation can save time and money, and can lead to a resolution without resorting to the court process.

What can mediation offer you?

- Quick resolution of the problem
- A satisfying solution
- Privacy and confidentiality
- No police, no courts
- No judgments and no blame
- A non-threatening, problem-solving environment

Filing a petition may result in criminal misdemeanor charges being filed against the dog owner. This process will take approximately 3 months before it is set to trial.

**Effective March 1, 2013, mediation will be required before a criminal complaint will be considered.** You can file a Barking Dog Petition if mediation doesn't solve the problem.

**Mediation Clinic:** Please visit the web site

<http://www.phoenixlaw.edu/community/default.asp?PageID=374> for additional information on mediation.

- Phoenix School of Law  
One N. Central Ave., 13<sup>th</sup> Floor  
Phoenix, Az 85004  
Phone: 602-464-7810

#### **ADDITIONAL RESOURCE INFORMATION:**

<b>Arizona Humane Society</b> Calls on mistreated, abused, and neglected animals	(602) 997-7585
<b>Barking Dog Hotline</b> Sends an anonymous letter to dog owner	(602) 262-6466
<b>City of Phoenix Public Works Solid Waste</b> Calls on accumulated feces and odors	(602) 262-7251
<b>Maricopa County Animal Care and Control</b> Picks up dogs at large and dogs that bite	(602) 506-7387
<b>City of Phoenix Neighborhood Services</b> Calls on crowing roosters	(602) 262-7844
<b>Phoenix School of Law</b> Provides mediation	(602) 464-7800

**If you live outside of Phoenix, contact the Police Department in your area for information.**

#### **PHOENIX CITY ORDINANCE**

##### Sec. 8-2 Barking or Howling Dogs

- A. No person shall keep a dog within the city limits which is in the habit of barking or howling or disturbing the peace and quiet of any person within the City.
- B. A person who violates this section is guilty of a Class 1 misdemeanor; however, the city prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person has previously been found responsible or guilty of violating this section.
- C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars nor more than two thousand five hundred dollars.
- D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

# IDENTIFICATION FORM AND PETITION FOR BARKING DOG COMPLAINT

Was Mediation  
attempted?

Yes  No

**PLEASE NOTE: Effective March 1, 2013, mediation will be required before a criminal complaint will be considered.**

## Requirements for Submitting a Petition:

- Complete the Information Form.
- At least 3 parties must sign the attached petition, 2 of which may be from the same address.
- If you are unable to get the required signatures, you must submit at least one of the following:
  - a. Two copies on a videotape, disk, or thumb drive of the barking dog with a log describing the dog and the dates and times when the barking occurred.

**or**
  - b. Two copies of an audio tape (other than a microcassette) of the barking dog with a log describing the dog and the dates and times when the barking occurred.

**or**
  - c. A written log describing the dog and the dates and times when the barking occurred. **The log must show a pattern of habitual barking.**

Petitions that do not meet the above requirements may be considered for prosecution; however, an explanation of why the requirements have not been met must be stated on the **IDENTIFICATION FORM**.

Please **keep a copy** of this Petition.

Return the original **IDENTIFICATION FORM** and **PETITION** to:

**PHOENIX CITY PROSECUTOR'S OFFICE  
ATTN: CHARGING BUREAU  
P O BOX 4500  
PHOENIX, AZ 85030-4500**

If a charge is approved, you will receive written notice to contact our Office for an appointment to appear before a judge to sign the criminal complaint. If the dog owner requests a trial, you will be subpoenaed to appear in court to testify. It will be approximately 3 months from the signing of the complaint to the first trial setting. (Please note that the charge may be converted to a civil violation rather than a criminal violation at the discretion of the prosecutor.)

# PETITION

We, the undersigned, do hereby state that we have been disturbed by a BARKING DOG, on this **specific date and time** owned by:

\* \_\_\_\_\_  
owner's name

at \_\_\_\_\_  
address location

on the \*\* \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_ o'clock  
day month time time

Complainant's Information:

\_\_\_\_\_ name and date of birth printed signature \_\_\_\_\_

\_\_\_\_\_ address phone number \_\_\_\_\_

Only one (1) address location per Petition will be accepted; additional Petitions can be sent for more address locations upon request.

\* Please give the first and last name of the person owning, keeping or maintaining the dog at the time of this incident.

\*\* Please give one definite date and time the dog barked. Note that although only one date of violation is listed, this must involve a continuous problem and not be an isolated incident. "Always" or "constantly" is not acceptable.

All petition signers must be willing to appear and testify in Court if necessary, that they heard the dog bark **on the above date at the above location. Please print legibly.**

1. \_\_\_\_\_  
Name and date of birth printed signature \_\_\_\_\_

\_\_\_\_\_ address phone number \_\_\_\_\_

2. \_\_\_\_\_  
Name and date of birth printed signature \_\_\_\_\_

\_\_\_\_\_ address phone number \_\_\_\_\_

3. \_\_\_\_\_  
Name and date of birth printed signature \_\_\_\_\_

\_\_\_\_\_ address phone number \_\_\_\_\_

4. \_\_\_\_\_  
Name and date of birth printed signature \_\_\_\_\_

\_\_\_\_\_ address phone number \_\_\_\_\_

# IDENTIFICATION FORM FOR BARKING DOG COMPLAINT

Keeping a dog which is in the habit of barking or howling may be a violation of Phoenix City Code, Section 8-2. Before this Office files a formal complaint in court, precautions must be taken to ensure the correct identification of the defendant. If the defendant fails to appear in court in response to a summons, and a warrant for his/her arrest is issued by the court, the description of the defendant must be sufficient to preclude the arrest of the wrong person.

**Please provide as much of the following requested information as possible to ensure the correct identification of the dog owner and to expedite the issuance of a complaint.**

\_\_\_\_\_

last name	_____	first name	_____	middle initial	_____
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race	_____	sex	_____	DOB, or approx. age	_____	height	_____	weight	_____	eye color	_____	hair color	_____
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\_\_\_\_\_

street address, apartment #	_____	telephone no.	_____
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\_\_\_\_\_

place of employment)	_____	telephone no.	_____
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\_\_\_\_\_

List all vehicle license numbers, makes, models belonging to animal owner

Describe the dog(s) in question:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe the problem in the space provided on the next page. Be sure to include the following information:

- Provide any attempts of mediation.
- Specific dates when the dog owner was notified of a disturbance and asked to keep the dog quiet.
- Any efforts taken to resolve the problem; for example, contacting your Homeowners Association
- Specific dates and times when the barking occurred, including the incident referred to on the petition.

