

(6/22/10) - Barking dog Procedure. This procedure applies to Barking Dogs located within the 18 cities serviced by OC Animal Care.

Cities served by OC Animal Care

Anaheim	Orange
Brea	Placentia
Cypress	Rancho Santa Margarita
Fountain Valley	San Juan Capistrano
Fullerton	Stanton
Garden Grove	Tustin
Huntington Beach	Villa Park
Laguna Hills	Yorba Linda
Lake Forest	unincorporated areas

According to Orange County Codified Ordinance (OCCO): The legal definition of a barking dog found in Orange County Codified Ordinance 4-1-59:

Sec. 4-1-3. Definitions: *“Barking dog means a dog that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a “barking dog” for purposes of this Article if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.”*

Sec. 4-1-59.3 Barking dog citation – general: *(a) Any Enforcement Officer has the authority to issue a civil citation to any Responsible Person for a barking dog violation that the Enforcement Officer did not see or hear occur based on a complaint, signed under penalty of perjury, lodged by a member of the community who has been disturbed by the barking dog. A Responsible Person to whom a civil citation is issued shall be liable for and shall pay to the County the fine or fines described in the barking dog citation when due. Where the Responsible Person is a minor under the age of 18 years, the minor’s parents or legal guardian shall be liable for and held responsible for payment of their minor child’s citation fines and/or late penalties. In any case, the Responsible Person (by his/her parents when the Responsible Person is under the age of eighteen) shall have the right to appeal the issuance of the citation pursuant to the provisions of this subarticle.*

There may be more than one person responsible for a barking dog violation. A “Responsible Person” is defined as any one of the following:

A person who allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

A person who is the owner of, and a person who is a lessee or sublessee with the current right of possession of, real property in or upon which a barking dog violation occurs.

OC Animal Care recommends that neighbors make an attempt to resolve the problem with the nuisance animal owner or other responsible person prior to filing a formal complaint. Sometimes the Responsible Person is unaware of the noise and grateful for the opportunity to address the issue. If a formal complaint is submitted, OC Animal Care will attempt contact with the Responsible Person in an effort to help in the resolution of the reported problem. We cannot help resolve this matter however, without your assistance.

This information is intended to clearly explain both the role of OC Animal Care and your role as the Complainant in the resolution of the problem. To see a SAMPLE Barking Dog Form - [Click Here](#). The entire civil citation process for a Barking Dog Complaint Procedure is as follows:

You, as the Complainant, initiate a complaint in writing by submitting a completed Barking Dog Complaint Form to OCAC. Once the complaint has been processed, an Animal Control Officer shall attempt to contact the Responsible Person to explain the civil citation procedure and try to help resolve the situation.

The Responsible Person is given 10 days to resolve the situation. If the situation still exists, you may file a second complaint with OCACS through the Operations Desk at (714) 935-6942. If OCACS is not contacted within a reasonable time (as determined by OCACS) of the initial contact of the responsible party, the complaint will expire. Once the Complainant requests further action on a second complaint, the Operations Desk Officer shall initiate the issuance of a civil citation.

The purpose of issuing a civil citation is to encourage voluntary and complete compliance with the County code to eliminate barking dog nuisances for the protection and benefit of the entire community. The issuance of a civil citation is solely at the County's discretion and is one option the County has to address barking dog violations.

If the Complainant requests to have a civil citation issued, an Animal Control Officer shall respond to the complainant's residence.

Before a citation will be issued, the Complainant is required to sign an affidavit under penalty of perjury that the barking dog has disturbed him/her, and the dog is a nuisance as defined by the definition of a barking dog.

The Complainant shall be advised of the necessity of attending the administrative hearing if the responsible person contests the citation. If the Complainant does not attend the scheduled hearing, the citation shall be dismissed in favor of the Responsible Person.

The Animal Control Officer shall then attempt to contact the Responsible Person. The Responsible Person shall be advised of the second complaint and the request for a civil citation. The Animal Control Officer shall advise the Responsible Person of the option of paying the fine and abating the nuisance or contesting the citation at the administrative hearing. The

Responsible Person may opt to pay the fine immediately to the Animal Control Officer on scene.

If after there has been no contact made with the Responsible Person, the Animal Control Officer may post the citation in a conspicuous place on the Responsible Person's property.

The Responsible Person must pay the fine within 15 days or contest the citation at the administrative hearing. If the Responsible Person does not appear at the administrative hearing the fine will become due and payable. Payment of the fine shall not excuse the violator from correcting the barking dog violation.

This civil citation procedure only applies to the nuisance (barking) of a dog. Any other nuisance complaints such as exotic birds, roosters, etc., must utilize the criminal procedure for [OCCO Sec. 4-1-48 Nuisance](#). If you have any further questions or information about the Barking Dog Complaint Procedure, please contact Field Operations Desk

Hours of operation: 7:30am to 3:30pm Monday - Friday (714) 935-6942 (714) 935-7699 Fax