IRVINE POLICE DEPARTMENT

IRVINE POLICE DEPARTMENT • ONE CIVIC CENTER PLAZA
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Civil Citation Procedure for Barking Dogs

In October of 2009, the City of Irvine Police Department implemented a civil administrative citation procedure for excessive dog barking. The following information explains the civil citation procedure.

4-5-1202 IMC Definitions: *"Barking dog means a dog that barks, bays, cries, howls, or makes any noise audible beyond the boundaries of the property on which the dog is situated 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, baying, crying, howling, or making of any noise for thirty (30) minutes or more in any twenty-four-hour period, or intermittent barking, baying, crying, howling for sixty (60) minutes or more during any twenty-four-hour period. A dog shall not be deemed a "barking dog" for purposes of this Chapter 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"*

4-5-1203 IMC Barking dog citation – general: *(a) Any Enforcement Officer has the authority to issue a civil citation to a responsible person for a barking dog violation which 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 City the fine or fines described in the barking dog citation when due.*

This civil administrative citation procedure only applies to the nuisance (barking) of a dog. Any other nuisance complaints such as exotic birds, roosters, etc., must utilize a different process.

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

1. 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.
2. 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.
3. A person who is the owner of, and a person who is a lessee or sub-lessee with the current right of possession of, real property in or upon which a barking dog violation occurs.

Irvine Animal Services 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 is grateful for the opportunity to address the issue. If a formal complaint is submitted, Irvine Animal Services 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 the assistance of the complaining party.

This information is intended to explain both the role of Irvine Animal Services and the role of the Complainant in the resolution of the problem. The civil citation procedure is as follows:

- The Complainant initiates a complaint either by calling the Irvine Police Department/Animal Services or by a written complaint. Once the complaint has been received, an Animal Services Officer shall attempt to contact the Responsible Person to give notice of the complaint, explain the civil citation procedure, and provide suggestions to resolve the situation.

- Once notified of a barking complaint, the Responsible Person is given (10) days to resolve the situation. If the situation still exists after the (10) ten day correction period, the complainant may report a second complaint to the Irvine Police Department/Animal Services through dispatch at (949)724-7200 or Irvine Animal Services (949)724-7092.

- The purpose of issuing a civil citation is to encourage voluntary and complete compliance with the Municipal 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 Irvine Animal Services discretion and is one option the Irvine Police Department has to address barking dog violations.

- If the Complainant requests to have a civil citation issued, the Complainant is required to sign an affidavit under penalty of perjury that the dog(s) is/are a nuisance as defined by the Municipal Code.

- Animal Services Officers may, prior to the issuance of the civil citation:

    1. Attempt to make personal contact with the Responsible Person(s) in person, by telephone or by registered letter in an effort to correct the problem.
    2. Grant a reasonable extension period to permit additional time to correct the problem not to exceed 10 days.
    3. Offer both parties (the Responsible Person and the Complainant) the option to voluntarily attend mediation by an approved mediator or mediation service at their expense.

- The Responsible Person has the option to pay the fine and abate the nuisance, or contest the citation at an administrative hearing. Both the Complainant and the Responsible Person are required to attend the administrative hearing. If one of the parties fail to attend the administrative hearing, the citation can be upheld or dismissed based on which party fails to attend. If both parties attend as required, a hearing officer will listen to testimony and weigh evidence related to the case. The hearing officer will render their decision at the conclusion of the hearing and the decision is final.

- If the citation is upheld by the hearing officer, the fine is due and payable at the conclusion of the administrative hearing. Payment of the fine shall not excuse the violator from correcting the barking dog violation.

If you have any further questions about the civil citation procedure,
please contact Irvine Animal Services at (949) 724-7092.