

BARKING DOG COMPLAINT PROCEDURE

AFTER RECEIVING COMPLAINT INFORMATION:

- An animal control officer will respond to the site and an evaluation will be conducted pursuant to protocol, i.e. notify owners of dog, offer assistance/recommendations etc.

BACKGROUND:

- Generally, barking dog complaints are “noise related complaints” occurring during late night or after-hour periods, and are subjective and interpretative in nature and primarily involve the Police Dept as initial responders. Typically, as initial responders, police officers would conduct the initial “noise related” assessment, document **AND** address the noise related complaint at their discretion.
- Barking dog complaints are classified as “non-emergency” and not subject to after-hours emergency call out by animal control officers (ACO). Due to the subjective nature of the incidence, i.e., dogs may be barking due to weather related conditions, undetectable noises or odors in the area, the presence of wildlife in the vicinity, and or reacting to other neighboring domestic animals in the neighborhood, etc.
- ACO’s may be dispatched to the subject location only if a police patrol supervisor deems it an emergency under certain unique and special circumstances.
- In all cases, the Police Department dispatch record of the complaint should be forwarded to Animal Control for review, assessment and follow up.

RESOLUTION: (Continuation of issue without result)

- Due to the specific nature and timing of the complaint, the findings of the independent investigation, and the burden of proof necessary for prosecution, ACO’s should offer to provide the complaining party with the required “complaint forms/affidavits” necessary in unilaterally establishing that the subject animal(s) are “public nuisances” as defined in City Ordinance.
- To successfully prosecute a case of this type, the complainant is responsible for providing municipal court with all sworn affidavit(s) attesting that the subject animal(s) are: *...“excessively making disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.”*
- In addition to the submitted affidavits, the complainant is also required to provide any and all documentary evidence, which may include video, audio recordings, written logs, etc., detailing and establishing the presence of the above mentioned conditions, and is required to provide personal testimony attesting to those facts in a court of law.

The complaining party may secure additional complaint forms and affidavits from the New Braunfels Municipal Court Offices, located at 550 Landa Street.

After submission of the affidavit(s) by the complainants, and based on all of the evidence which is submitted for consideration and review, a determination will be made by the prosecutor on the merits of the case. If the prosecutor determines that sufficient evidence exist in order to proceed with criminal prosecution, the complainant will be notified as plaintiff of record to testify to those facts at trial.