



INSTRUCTIONS FOR COMPLETION OF DOG BARKING REPORT

INTRODUCTION

This document is to be used to assist a victim in the proper completion of the City of Redondo Beach Barking Dog / Incident Report.

In order to provide the most efficient method to resolve dog barking cases, this citizen report procedure has been developed. A basic outline of the process involved is as follows:

- A. A dog barking incident occurs in which a victim feels that the law regarding barking dogs has been violated. For your convenience and review, a copy of the dog barking ordinance has been printed above.
- B. The victim may write or telephone the Redondo Beach Police Department or the Redondo Beach Animal Control Division to obtain the package of information regarding dog barking cases. The package of information and reports are available for pick up at the Police Department or they may be mailed to the victim.
- C. Included with the package of information is the Barking Dog / Incident Report form. The victim will complete the form by very carefully following the instructions provided below, and upon completion, the document must be returned to the Animal Control Division at the address shown on the report form.
- D. If after a review of the citizen report form it is determined that the ordinance has been violated, a warning letter will be mailed by the City to the suspect, and a blind copy will be sent to the victim. A copy of that warning letter is attached.
- E. Hopefully, the warning letter will be sufficient to solve the problem; if however, another meritorious citizen complaint report is received within two months from the mailing of the warning letter, charges will be filed against the suspect.
- F. The municipal Code provides that the first three convictions within a year are considered infractions, and the fourth violation may be filed as a misdemeanor. If the problem has not been solved after the first three infraction convictions, the fourth case will be filed as a misdemeanor, and the City will request certain orders from the court. Those orders will require that the suspect take the action necessary to eliminate the problem, or face time in county jail. In the meantime, the suspect will pay a fine of approximately \$140.00 for each of the three infraction convictions.

ORDINANCE NO. 2846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING SECTIONS 4-32.01 AND 4-32.02 OF CHAPTER 32, TITLE 4 OF THE REDONDO BEACH MUNICIPAL CODE TO ALLOW FOR POLICE RESPONSE COST RECOVERY FOR BARKING DOGS, ETC.

The City Council of the City of Redondo Beach does ordain as follows:

SECTION 1. Section 4-32.01 of Chapter 32, Title 4 of the Redondo Beach Municipal Code is hereby amended to read as follows:

"4-32.01 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Loud or unruly disturbance" means (1) one or more persons who are causing an inordinate amount of noise or commotion or behaving in such a manner which constitutes a threat to the public peace, health, safety or general welfare; or (2) the maintaining, or permitting the keeping of, any barking dog or other animal or fowl, by any sound or outcry, shall result in noise levels at the complainant's property line which are audible for more than five (5) minutes in any hour.

(b) "Primary police officer" means the police officer or animal control officer who was dispatched to the location of a reported loud or unruly disturbance, or such officer's supervisor.

(c) "Special security assignment" means the dispatch of police personnel and services during the second and any subsequent police call to a location after the police call during which a police officer distributed a written warning that a loud or unruly disturbance is occurring and the continuation of such event is a violation of law.

(d) "Person responsible for the loud or unruly disturbance" includes the following:

(1) The legal resident(s) of the property where a loud or unruly disturbance takes place; and/or

(2) The person(s) who organized, sponsored, hosted or otherwise created the loud or unruly disturbance, each and all of whom shall be jointly and severally liable for the special security assignment fee. If the person responsible for the loud or unruly disturbance is a minor, the parent(s) or guardian(s) of such minor shall be jointly and severally liable for the special security assignment fee."

SECTION 2. Section 4-32.02 of Chapter 32, Title 4 of the Redondo Beach Municipal Code is hereby amended to read as follows:

"When the primary police officer at a scene determines that a loud or unruly disturbance, as defined, is occurring, the primary police officer shall notify the person responsible for the loud or unruly disturbance, in writing and if possible, in person, that such person, or if such person is a minor, that such minor's parent(s) or guardian(s) shall be held personally liable for the costs of providing police personnel and equipment on any special security assignment required by the continuation of the loud or unruly disturbance. No fee shall be assessed under this Chapter unless the same or similar loud or unruly disturbance occurs more than 24 hours after written notification has been given.

SECTION 3. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in the Easy Reader-Redondo Beach Hometown News, the official newspaper of said City, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

CITY OF REDONDO BEACH BARKING DOG / INCIDENT REPORT

MAIL TO:

ANIMAL CONTROL DIVISION
415 DIAMOND STREET
POST OFFICE BOX 270
REDONDO BEACH, CA 90277-0270

DATE	TIME
DR #	INC #
CLASSIFICATION	RD
OFFICER	ID #

***COMPLETE ALL ITEMS BELOW**

<p>1) VICTIM INFORMATION</p> <p>NAME (LAST, FIRST, MIDDLE) _____</p> <p>ADDRESS _____ CITY _____ STATE _____ APT # _____</p> <p>DATE OF BIRTH _____ TELEPHONE _____ RES.: _____ BUS.: _____</p>	<p>2) SUSPECT INFORMATION</p> <p>NAME (LAST, FIRST, MIDDLE) _____</p> <p>ADDRESS _____ CITY _____ STATE _____ APT # _____</p>												
<p>3) SOURCE OF INFORMATION (re: suspect)</p>													
<p>4) SUSPECT DESCRIPTION</p> <p>SEX: _____ RACE: _____ HGT.: _____ WGT.: _____ HAIR.: _____ EYES: _____ AGE: _____</p>													
<p>INFORMATION ON BARKING</p>													
<p>5) NUMBER OF DOGS AT LOCATION _____</p>													
<p style="text-align: center;">DESCRIPTION OF DOGS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">TYPE OF DOG</th> <th style="width: 40%;">COLOR</th> <th style="width: 30%;">SIZE (S, M, L)</th> </tr> </thead> <tbody> <tr> <td>A) _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>B) _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>C) _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		TYPE OF DOG	COLOR	SIZE (S, M, L)	A) _____	_____	_____	B) _____	_____	_____	C) _____	_____	_____
TYPE OF DOG	COLOR	SIZE (S, M, L)											
A) _____	_____	_____											
B) _____	_____	_____											
C) _____	_____	_____											
<p>6) DATE BARKING OCCURRED MONTH _____ DAY _____ YEAR _____</p>	<p>7) TIME BARKING BEGAN _____ ; TIME BARKING ENDED _____ IF BARKING WAS NOT CONTINUOUS; ESTIMATE TOTAL MINUTES DURING AN HOUR IN WHICH BARKING OCCURRED _____</p>												
<p>8) WHERE WAS DOG WHEN BARKING OCCURRED? (ie: inside or outside, front or rear yard, etc.) _____</p>													
<p>9) WHERE WAS VICTIM WHEN BARKING OCCURRED? (ie: inside house, in yard, etc.) _____</p>													
<p>10) WHAT DO YOU THINK CAUSED THE DOG TO BARK? (ie: the mailman, opossum, cat, etc.) _____</p>													
<p>11) HAS VICTIM ATTEMPTED TO CONTACT THE SUSPECT REGARDING THE PROBLEM? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHAT WERE THE SUSPECT'S REACTIONS? _____</p>													
<p>12) ADDITIONAL WITNESSES</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">NAME</th> <th style="width: 40%;">ADDRESS</th> <th style="width: 30%;">PHONE</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		NAME	ADDRESS	PHONE	_____	_____	_____						
NAME	ADDRESS	PHONE											
_____	_____	_____											
<p>13) NUMBER OF ADDITIONAL INCIDENT REPORTS ATTACHED: _____</p>													
<p>14) SIGNATURE OF PERSON MAKING THE REPORT: _____</p>	<p>DATE / TIME OF REPORT: _____</p>												

***NOTE: It is a misdemeanor to make a false report of a crime (148.5 P.C.)**

DATE

NAME
ADDRESS
CITY, STATE, ZIP CODE

This letter informs you that a complaint has been received by the Redondo Beach Animal Control Division and the City Prosecutor's Office regarding a **barking dog** that is your responsibility to control.

It is not important, at this time, to reveal the identity of the complainant since charges have not been filed in the court. Obviously, if a case is filed, a full report will be submitted to the court and to you, so that you will have the necessary information to defend against the charges.

You may not be aware that your dog has created a disturbance. **Barking dog cases** may be filed as a criminal offense **without a warning**. However, the City of Redondo Beach has adopted a policy to send warning letters prior to the filing of criminal charges.

Your attention to this potential problem will eliminate the possibility of court action. You may wish to contact the South Bay Center for Dispute Resolution at (310) 376-7007, to expedite resolution of this matter. If additional complaints are received, and if there is sufficient evidence to present a case for filing in the court, we will notify you. At that time you will have the opportunity to present your side of the case in court.

Thank you for your anticipated courtesy and cooperation.

Sincerely,

Pattie Ziello,
Municipal Enforcement Supervisor
PZ:rh

DETAILED INSTRUCTIONS FOR COMPLETION OF REPORT

WARNING: YOU MUST PROVIDE AN ENTRY FOR EACH ITEM ON THE REPORT FORM. IF A PARTICULAR ITEM IS NOT APPLICABLE TO YOUR SITUATION, PLEASE SO INDICATE BY THE SYMBOL "N/A." EACH CATEGORY CORRESPONDS WITH THE PARAGRAPH NUMBERS BELOW.

1. **VICTIM INFORMATION:** The victim in the case must be a person who actually witnessed the dog barking information contained in this report. The City will not provide the suspect with the victims identity, unless a case is filed in court. If a case is filed, the victim will receive a subpoena which will notify them to appear in court as a witness in the trial.

2. **SUSPECT INFORMATION:** No case can be filed in court unless the full name and address of the suspect is provided. The suspect would be the person who owns the dog, or who has the control of the dog. It is no necessary for you to ask for ownership documents, etc.; however, unless you obtain the name and address of the suspect, the chances of the city filing a court case are very remote.

3. **SOURCE OF INFORMATION:** This category relates to the method by which you learned the name of the suspect. You should include in this space information such as "*I asked the suspect their name; I asked the neighbors of the name; I checked certain official records;*" etc. Prior to the City filing a case, we must be satisfied that you used a reliable method to learn the identity of the suspect.

4. **SUSPECT DESCRIPTION:** You must fully complete this category, so that we may be certain that the correct individual appears in court. Additionally, if the individual does not appear in court, this information will be necessary for an arrest warrant.

5. **NUMBER AND DESCRIPTION OF DOGS:** This category should be completed by indicating the number of dogs at the suspect's premises, and a brief description of each dog.

6. **DATE OF OFFENSE:** This category should contain information regarding the specific date of the events. If there are numerous dates or times within a day that an offense occurs, you should make photocopies of this report, and complete a separate report for each incident.

7. **TIME OF BARKING:** You should be very specific with regard to the hour of the day or night that the barking began, and that the barking ended. Please note whether it is *a.m.* or *p.m.* Also please note that if the barking is not continuous, you must estimate the total time of barking within an hour.

8.

9.

10.

11.

— These categories are self-explanatory on the report form

12. **ADDITIONAL WITNESSES:** You must list the full name, address, and telephone numbers of any additional witnesses to the offense. Please note that these people must be willing to come to court and testify if the case is filed. Again, please remember that the City is powerless to act unless victims or witnesses are willing to come to court and testify.

13. **ADDITIONAL REPORTS:** You must note the number of additional incident reports which are attached to the main report, and also indicate the dates of previously filed reports. This simply means that when you are submitting one package of reports, we need to know how many attachments are included.

14. **SIGNATURE:** You must sign the report, and indicate the date and time that the report is **written**. This date and time does not necessarily have to be the same time as the incident, however, it would be helpful if the report is written immediately after the incident. Also, please note that it is a **criminal offense** to submit a false report.

CONCLUSION

We sincerely hope that the procedure which has been developed will work efficiently to solve the dog barking problem. The City recognizes that these types of offenses are very aggravating to the citizens; however, we also recognize that there are certain legal procedures which must be followed. The criminal process may not be the best solution to solving the problem; therefore we encourage citizens to attempt to solve the problem by reaching an agreement with the neighbors or by using the local mediation services available. An additional remedy to a victim is to file their own civil action in an attempt to receive a restraining order.

If you have any questions with regard to the process outlined in the documents, please contact the Redondo Beach Animal Control Division.