

Habitual Barking Dogs—A Neighborhood Nuisance

Our current economic times have affected homeowners, which is apparent with the number of foreclosures on the market. What surprised me though is there have been incidents where people are walking away from their mortgages not due (at least entirely) to our economic climate but rather due to an all-too-common neighborhood nuisance: barking dogs. Yes, this is taking it to the extreme, but when people have been unable to sell their homes and in order to get some restful sleep (after trying other methods), moving may seem like their only option. I'm not recommending people walk away from their mortgage due to barking dogs; but upon learning that some have let their loans go into default due in part to barking dogs, I was able to sympathize with their dilemma.

Be aware that in California you must disclose to potential buyers that there is a nuisance in the neighborhood, which includes barking dogs. California actually had a case go to court whereby the homeowner who was trying to sell lost the case because he didn't tell the real estate agent or buyer about barking dogs in the neighborhood. Thus, habitual barking dogs not only interfere with people's health and ability to sleep, it can also be a reason for someone not to purchase a home, which is something the homeowner/seller has no control over.

I adore dogs, but I have personally experienced how barking dogs can disrupt sleep. Sleep is essential. It provides us with rest and rejuvenation and benefits our minds and bodies in many ways. When you continuously don't get the amount of sleep you need, you begin to pay for it in daytime drowsiness, trouble concentrating, irritability, increased risk of falls and accidents, lower productivity, and as my kids will attest, moodiness. Uninterrupted sleep is known to be a prerequisite for good physiological and mental functioning; thus, when dogs are barking on and off through the late evening and into the morning, causing sleep deprivation, this is more than just a nuisance as it is affecting the health of those in the neighborhood.

Madera County considers habitual barking dogs to be a nuisance (Ord. 479 § 2(part), 1984). In fact, upon receipt of a complaint by any person living in the neighborhood that any dog, cat, animal, poultry, or household pet is a habitual nuisance by reason of howling, barking, or other noise, or is in any other manner causing undue annoyance, that shall constitute a public nuisance, and the animal control officer if he finds such public nuisance to exist, shall serve notice upon the owner or custodian that the public nuisance shall be abated. If the nuisance and annoyance cannot be successfully abated and the animal control officer determines it necessary to impound such dog, cat, animal, poultry, or household pet, he shall not thereafter permit the reclaiming or redemption of the animal to the owner or custodian unless and until adequate arrangements have been made by the owner or custodian to ensure abatement of the annoyance or public nuisance (Ord. 479 § 2(part), 1984).

Please contact Madera County Animal Services if you have such a problem. Officers will attempt to help the animal's owner resolve the problem. However, if there is no owner response, the complaining party may request a complaint form which can be referred to the District Attorney for prosecution. You can reach the Madera County Department of Animal Services at 559-675-7891 or via email at animalcontrol@madera-county.com. Before reporting barking dogs to the Madera County Animal Services, you may want to try contacting the dog's owner (in a non-threatening way); you may want to do this anonymously, depending on your situation.

If you live in a homeowners association (HOA), check your Conditions, Covenants, and Restrictions (CC&Rs), which often have provisions on noise and your right to quiet or peaceful enjoyment of your home. Let the HOA know that the barking is keeping you awake, interfering with your ability to work at home, etc., and ask that they enforce the rules of the HOA.

There are some technology items that can be purchased such as collars and other items like ultrasonic devices but research these carefully before using or purchasing them. In addition, there are some not-so-technical devices such as ear plugs, which I have found to be somewhat helpful (just not comfortable) and as a mother with kids in the home I don't like having my hearing ability reduced.

Keeping a written record (or video or audio) of when and for how long the dog or dogs are barking is a good idea. You can create a computer log, use an old calendar, or create a notebook log. You may need this record for the authorities or for legal action you may take. If nothing else has worked, you may also want to consider suing in small claims court, hiring an attorney, or moving; however, disclose, disclose, disclose.

By no means should you harm the dog or owner or confront the owner. Keep your contact with the dog owner to a minimum. In the end, noise issues are noise issues, whether it's a blaring radio or a barking dog. Please be a cooperative neighbor. If you have a dog or dogs, please be a responsible owner.

IMPORTANT: Don't forget the Yosemite Gateway Association of REALTORS® Monster Rummage Sale to benefit the Wednesday Community Meal this weekend in the old Gottschalks building (by Raleys) on Saturday from 8 a.m. to 5 p.m. and Sunday from 8 a.m. to 3 p.m.

Beverly Scott, President
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