

# DECLARATION AND PETITION FOR ABATEMENT OF A PUBLIC NUISANCE CREATED BY AN ANIMAL

(Note: you *must* contact Animal Services to have a case No. assigned before starting this process)

Case No.: \_\_\_\_\_

## **THE UNDERSIGNED DECLARES AS FOLLOWS**

The below animal(s) is/are causing a public nuisance in accordance with Section 7.40.010(A) (4) of the San Jose Municipal Code which provides:

A.) *No owner/guardian or person with a right to control the animal may allow the animal to commit any of the following acts:*

*4. Habitually disturb the peace and quietude of any neighborhood or person, by howling, barking, crying, baying or making any other noise.*

1. The animal(s) is/are located at:

\_\_\_\_\_

2. I believe the following person owns or has control of the animal(s):

\_\_\_\_\_

3. Each animal is described as follows: (Please include name, color, size, sex, markings)

Animal #1: \_\_\_\_\_

Animal #2: \_\_\_\_\_

4. I live in the City of San Jose in the immediate neighborhood where the animal(s) is/are located.

5. I understand that this petition combined with the "Animal Nuisance Log" submitted by the undersigned may result in one or more monetary citations being issued to the owner of the animal(s).

6. I also understand that Failure to submit this petition and the required log(s) will result in the case being closed after one (1) year of inactivity.

I declare under the penalty of perjury under the laws of the State of California, that all the above information is true and correct to the best of my knowledge and that this Declaration and Petition is executed in San Jose, California, on the date indicated below:

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Home Address (include City, State, and Zip Code)

\_\_\_\_\_  
Signature of Petitioner (OPTIONAL)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Home Address (include City, State, and Zip Code)

# ANIMAL NUISANCE LOG

This log serves as a record of your observations, it may be used to support your testimony at an Administrative Hearing should one be necessary.

**NOTE: A minimum of five (5) incidents must be documented.** When you have completed your log, sign, date, and mail it to San Jose Animal Care & Services, 2750 Monterey Road, San Jose, CA 95111. **Be sure to make a copy for your records, and submit the original.** If additional logs are needed, you may make photocopies of this page. (Note: you *must* contact Animal Services to have a case No. assigned before starting this process)

Case No.: \_\_\_\_\_

Date	Day	Start Time	End Time	Duration of Disturbance	How Does the Incident "Obstruct the Reasonable and Comfortable Use of Property"
01/01/06	Sun	10:10 AM	10:45 AM	35 minutes	Woke up infant daughter
01/02/06	Mon	2:30 AM	2:45 AM	15 minutes	Woke me up from a dead sleep
01/03/06	Tues	4:15 AM	5:00 AM	45 minutes	Woke me up in the middle of the night
01/03/06	Wed	8:25 PM	8:35 PM	10 minutes	Barking non stop interrupting my company
01/04/06	Thurs	11:00 AM	11:25 AM	25 minutes	Woke up my daughter again

I certify under the penalty of perjury, the above dates, times, and remarks documented are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Home Address (include City, State, and Zip Code)

**ADMINISTRATIVE USE ONLY**

Issue Cite:  Yes  No

Stage:  1<sup>st</sup>  2<sup>nd</sup>  3<sup>rd</sup>

Initials \_\_\_\_\_ Cite No. \_\_\_\_\_

Reason: \_\_\_\_\_





## *Field Services Division*

The sound of a dog barking usually affects people in one of two ways: Many dog owners may be oblivious to the sound while others consider it to be a major disturbance. Barking dogs constitute the vast majority of noise complaints that we receive at San Jose Animal Care and Services and there are some things you can do about it.

### **Train, Train, Train**

Most barking dogs have a common theme: **bored, backyard dogs.**

By nature, dogs are pack animals and as the owner, you and your family become their “pack.” They look to you for food, water, shelter and companionship and it is the absence of the last element that can contribute to excessive barking. By barking, your dog is telling you that he needs your attention. Barking also relieves frustration and provides entertainment from boredom. So....how can you help? Hopefully, this sheet will give you some ideas.

**Exercise:** A tired dog is a quiet dog. One of the quickest ways to get a dog to stop barking is to tire it out. Two or more hours of vigorous exercise will ensure that your dog is too tired to bark. If you can't spend that much time with him, there are other ways to exercise your animal and keep him occupied.

**Kongs:** Kongs are rubber toys that you can open and place food inside (available where dog supplies/food is sold). The dog will spend his time trying to get the food. If you make the dog work for his food, it challenges him mentally and occupies his mind. If it's easy to extract the food, try placing peanut butter in the Kong and freezing it.

**Socialization:** Incorporate the dog into *your* pack. By making him part of your household he will not get lonely. If possible, keep him indoors with a radio or TV to keep him company. This will also mask outside noises that cause him to bark. Also, if he's alone, place him in an area away from a lot of stimuli, (i.e. foot traffic, outside noises, etc.); this will take away his need to protect his “territory.” If your dog is a “nervous” type, confining him to an indoor crate may also have a calming effect. Don't be afraid to experiment. Different things work for different dogs – find what works for yours.

**Training and Training Aids:** Teaching your dog to bark and stop barking on command is one of the best ways to control barking. Work with an obedience trainer to help you with this. Also, there are commercial bark collars that are available to condition the dog to stop barking by emitting a small charge or a harmless chemical agent (citronella) every time he barks. For more information on certified trainers and classes, log on to: [www.sfspca.org/academy](http://www.sfspca.org/academy) or [www.apdt.com](http://www.apdt.com)

*There are also many barking deterrents available commercially. You can search online using the phrase “barking deterrent” to find many different devices that can help both dog owners and those that are disturbed by dog barking.*

**Remember...a tired dog is a quiet dog**