

## INFORMATION TO HELP WITH BARKING DOGS

### CASA GRANDE CITY PROSECUTOR

If you feel the noise from a barking dog is unreasonable, it is appreciated that you talk to or leave a note for the animal owner before filing a criminal complaint. Although this may be difficult to do at first, communicating with the animal owner often helps maintain a friendly relationship between neighbors. Filing a criminal charge is usually a remedy of last resort.

#### **When talking to your neighbor:**

- Try to talk to your neighbor when you are not frustrated about the barking.
- Discuss the barking in a friendly, calm and neighborly manner.
- Inform your neighbor of the time of day or night that the dog is barking.
- Ask the neighbor whether you can contact them, day or night, when the barking is a problem.

#### **If leaving a note for your neighbor:**

- Explain what the dog does when the family is away from the residence.
- Choose words that are not offensive or intimidating.
- If you feel safe doing so, leave your name, telephone number, or address so your neighbor can respond to your letter.

#### **Casa Grande City Code 6.08.060 Disturbing the peace prohibited.**

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

#### **Standard used to determine if barking disturbs the peace:**

*"Our inquiry must determine whether the noise would disturb a person of ordinary sensitivities; that is . . . not merely because it offends some supersensitive or hypercritical individual, but because it is, by its nature, of a sort that is a substantial interference with (our old friend) the reasonable man."* Arizona Court of Appeals in State v. Singer, 945 P.2d 359 (1997).

#### **Casa Grande City Code 6.08.020 City court to have jurisdiction.**

The city court shall have jurisdiction over all violations of this chapter. A violation of this chapter shall be punishable as a Class 2 misdemeanor. (Cases must be proven "beyond a reasonable doubt.")

#### **ADDITIONAL RESOURCE INFORMATION:**

**Casa Grande Animal Care  
& Adoption Center**  
202 E. First Avenue.  
Casa Grande AZ  
(520)426-9300

**Casa Grande Police Department**  
373 E. Val Vista  
Casa Grande, AZ 85122  
Non-emergencies: (520) 421-8700  
Emergencies: Dial 911

**If you live outside of Casa Grande, contact the Police Department in your area for information**

**INFORMATION FORM AND PETITION  
FOR BARKING DOG COMPLAINTS  
(Criminal Offense)**

**REQUIREMENTS FOR SUBMITTING A CRIMINAL COMPLAINT:**

- ☐ **Complete the “Information Form for Barking Dog Complaint”**
- ☐ **At least 3 parties must sign the attached Petition; 2 of which may be from the same address.**

- If you are unable to get the required signatures, you must submit a copy of a videotape or audio tape of the barking dog and an accompanying log specifying the dates and times the barking was recorded.

*For extenuating circumstances, Petitions that do not meet the above requirements may be considered for prosecution; however, an explanation why the requirements have not been met must be stated on the Information Form.*

**Return the original Information Form and Petition to:**

**CASA GRANDE CITY PROSECUTOR  
c/o CITY ATTORNEY'S OFFICE  
510 EAST FLORENCE BLVD  
CASA GRANDE, AZ 85122**

**Please keep a copy of this Petition.**

Once received, a member of the Prosecutor's Office will review the petition in the normal course of review of other criminal cases. If the prosecutor files a criminal charge, the case could take several weeks before it is resolved or set for trial. If the case is set for trial, all persons signing the petition will be required to attend and testify if subpoenaed by the prosecutor, the defendant or the court. Failure to obey a subpoena can lead to dismissal of the complaint against the dog owner and a possible criminal charge filed against any individual that knowingly and willfully disobeys a valid subpoena to attend trial.

# INFORMATION FORM FOR BARKING DOG COMPLAINT

Keeping or harboring a dog that disturbs the peace by loud barking is a class two misdemeanor pursuant to Casa Grande City Code § 6.08.060. Before the Prosecutor's Office files a formal criminal complaint in court, precautions must be taken to ensure the correct identification of the defendant. If the defendant fails to appear in court in response to a summons, a warrant for his/her arrest might be issued by the court. A description of the defendant must be provided sufficient to preclude arrest of the wrong person.

Please provide as much of the following requested information as possible to ensure the correct identification of the perpetrator and to expedite the issuance of a complaint.

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Last name of person keeping or harboring dog

Race

Sex

DOB or approx age

Height

Wt

Eye color

Hair color

Other unique identification characteristics (eg: tattoos)

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Street address where barking occurred

Telephone No.

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Place of employment

Telephone No.

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(List all vehicle license numbers, makes, models belonging to dog owner)

Describe the dog(s) in question:

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## NARRATIVE

Please describe the problem in the space provided below (use additional paper if necessary). Be sure to include the following information: (1) specific dates when the dog owner was notified of a disturbance and asked to keep the dog quiet, (2) any efforts taken to resolve the problem, such as contacting your Home Owner's Association, and (3) specific dates and times when the barking occurred, including the incident referred to on the petition. Be as detail oriented as possible. Criminal cases must be proven beyond a reasonable doubt based on facts that demonstrate the noise substantially interfered with the peace of mind of a reasonable person of ordinary sensitivities.

[illegible]

# PETITION

**We, the undersigned, do hereby state that we have been disturbed by a BARKING DOG owned by:**

\_\_\_\_\_  
Name of person keeping or harboring dog

at \_\_\_\_\_  
address/location of barking dog

On the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_ o'clock.  
day month year time time

## **Complainant's Information:**

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

Only one (1) address location of barking dog per Petition will be accepted. Additional Petitions can be submitted for more address locations.

- Please give the first and last name of the person keeping or harboring the dog at the time of this incident.
- Please give one definite date the dog barked. Note that although only one date of violation is listed, this must involve a continuous problem and not be an isolated incident.

**All petition signers must be willing to appear and testify in court that he/she heard the dog bark on the above date at the above location.**

1. \_\_\_\_\_  
signature name printed  
\_\_\_\_\_  
address phone number
2. \_\_\_\_\_  
signature name printed  
\_\_\_\_\_  
address phone number
3. \_\_\_\_\_  
signature name printed  
\_\_\_\_\_  
address phone number

4.	<hr/> <b>signature</b> <hr/>	<hr/> <b>name printed</b> <hr/>
	<hr/> <b>address</b> <hr/>	<hr/> <b>phone number</b> <hr/>
5.	<hr/> <b>signature</b> <hr/>	<hr/> <b>name printed</b> <hr/>
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9.	<hr/> <b>signature</b> <hr/>	<hr/> <b>name printed</b> <hr/>
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10.	<hr/> <b>signature</b> <hr/>	<hr/> <b>name printed</b> <hr/>
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